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Title 51

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PREFACE

These annual cumulative pocket parts update the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. These pocket parts contain the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of April 1, 2013.

This Supplement also updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources: Atlantic Reporter, 3d Series Supreme Court Reporter Federal Reporter, 3d Series Federal Supplement, 2d Series Bankruptcy Reporter.

Current legislation between pamphlets or pocket parts can be accessed online at www.lexisnexis.com/advance, www.lexisnexis.com/research, and http://dcclims1.dccouncil.us/lims.

The unannotated District of Columbia Official Code can be accessed on the District of Columbia Council Website at http://www.dccouncil.us.

Later laws and annotations will be cumulated in subsequent annual Pocket Parts.

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DIVISION VIII. GENERAL LAWS.

TITLE 48. FOODS AND DRUGS.

SUBTITLE II. PRESCRIPTION DRUGS.

SUBTITLE III. ILLEGAL DRUGS.

SUBTITLE II. PRESCRIPTION DRUGS.

Chapter 8A. Affordability of Prescription Drugs — AccessRx Program.

Subchapter II. Transparent Business Practices Among Pharmacy Benefits Managers.

§ 48-832.01. Fiduciary duty.

(a) A pharmacy benefits manager owes a fiduciary duty to a covered entity and shall discharge that duty in accordance with all applicable laws. In performance of that duty, a pharmacy benefits manager shall adhere to the practices set forth in this section.

(b)(1) A pharmacy benefits manager shall:

(A) Perform its duties with care, skill, prudence, and diligence and in accordance with the standards of conduct applicable to a fiduciary in an enterprise of a like character and with like aims; and

(B) Repealed.

(C) Notify the covered entity in writing of any activity, policy or practice of the pharmacy benefits manager that directly or indirectly presents any conflict of interest with the duties imposed by this subchapter; and

(2) A pharmacy benefits manager that receives from any drug manufacturer or labeler any payment or benefit of any kind in connection with the utilization of prescription drugs by covered individuals, including payments or benefits based on volume of sales or market share, shall pass that payment or benefit on in full to the covered entity. This provision does not prohibit the

covered entity from agreeing by contract to compensate the pharmacy benefits manager by returning a portion of the benefit or payment to the pharmacy benefits manager.

(c)(1) Upon request by a covered entity, a pharmacy benefits manager retained by that covered entity shall:

(A) Provide information showing the quantity of drugs purchased by the covered entity and the net cost to the covered entity for the drugs. This information shall include all rebates, discounts, and other similar payments. If requested by the covered entity, the pharmacy benefits manager shall provide such quantity and net cost information on a drug-by-drug basis by National Drug Code registration number rather than on an aggregated basis; and

(B) Disclose to the covered entity all financial terms and arrangements for remuneration of any kind that apply between the pharmacy benefits manager and any prescription drug manufacturer or labeler, including, without limitation, formulary management and drug-substitution programs, educational support, claims processing, and data sales fees.

(2) A pharmacy benefits manager providing information to a covered entity under this section may designate that information as confidential. Information designated as confidential may not be disclosed by the covered entity to any other person or entity without the consent of the pharmacy benefits manager, unless ordered by a court of the District for good cause shown.

(d) The following provisions apply to the dispensation of a substitute prescription drug for a prescribed drug to a covered individual:

(1) Repealed.

(2) If the substitute drug costs more than the prescribed drug, the pharmacy benefits manager shall disclose to the covered entity the cost of both drugs and any benefit or payment directly or indirectly accruing to the pharmacy benefits manager as a result of the substitution.

(3) The pharmacy benefits manager shall transfer in full to the covered entity any benefit or payment received in any form by the pharmacy benefits manager as a result of a prescription drug substitution under paragraph (2) of this subsection.

(May 18, 2004, D.C. Law 15-164, § 201, 51 DCR 3688; Mar. 2, 2007, D.C. Law 16-192, § 5062(c), 53 DCR 6899; Sept. 26, 2012, D.C. Law 19-171, § 137, 59 DCR 6190.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted "paragraph (2)" for "paragraphs (1) or (2)" in (d)(3).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

SUBTITLE III. ILLEGAL DRUGS.

CHAPTER 9. CONTROLLED SUBSTANCES.

Unit A. Controlled Substances Act.

Subchapter II. Standards and Schedules.

§ 48-902.01. Administration.

Section references. — This section is referenced in § 22-2603.01, § 48-901.02, § 48-902.04, § 48-902.06, § 48-902.08, § 48-902.10, and § 48-902.12.

Emergency legislation. — For temporary amendment of (d), see § 301(a) of the Omnibus Public Safety and Justice Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

§ 48-902.04. Schedule I enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-901.02, § 48-902.01, § 48-902.02, and § 48-1004.

Emergency legislation.

For temporary amendment of section, see § 301(b) of the Omnibus Public Safety and Justice Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

§ 48-902.06. Schedule II enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-901.02, § 48-902.01, § 48-902.02, and § 48-1004.

Emergency legislation. — For temporary amendment of (4)(G), see § 301(c) of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

§ 48-902.08. Schedule III enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-902.01, § 48-902.02, and § 48-1004.

Emergency legislation. — For temporary amendment of (a), see § 301(d) of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

§ 48-902.10. Schedule IV enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-902.01, § 48-902.02, and § 48-1004.

Emergency legislation. — For temporary amendment of (a), see § 301(e) of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

Subchapter IV. Offenses and Penalties.

§ 48-904.01. Prohibited acts A; penalties.

Section references. — This section is referenced in § 7-403, § 23-546, § 24-112, § 24-221.06, § 24-906, § 48-904.06, § 48-904.07, § 48-904.07a, and § 48-905.02.

CASE NOTES

ANALYSIS

Arrest.

Documents regarding arresting officer's training and use of laser radar detector, as requested by defendant in prosecution for attempted possession of marijuana that was discovered in search incident to his arrest for speeding, were not "material" under criminal rule governing pretrial discovery to defendant's motion to suppress the drug evidence; whether officer had probable cause to arrest defendant for driving at over 30 miles per hour over posted speed limit depended on what the officer reasonably believed and relied on, not on whether the officer's operation of the device, or the device itself, were sufficiently reliable to serve as substantive evidence of the crime of speeding. Watson v. United States, 43 A.3d 276, 2012 D.C. App. LEXIS 156 (2012).

Police officer had probable cause to arrest defendant for speeding; officer testified that he saw defendant driving across bridge significantly faster than other cars, that he aimed laser radar detector at defendant's car and saw a reading of 88 miles per hour, 48 miles over posted speed limit, that he had operated detector for at least a couple of years and had been trained and certified in its use, that he had conducted earlier that day a self-test indicating that detector was functioning properly, and that he knew that detector had recently been certified by an outside entity as accurately calibrated. Watson v. United States, 43 A.3d 276, 2012 D.C. App. LEXIS 156 (2012).

Police officers had probable cause to arrest defendant following the successful controlled delivery of a parcel containing marijuana addressed to him; defendant accepted a parcel addressed to "Corey Johnson" by signing and printing the name "Corey Johnson," even though defendant's name was Courtney, the parcel was delivered to defendant's girlfriend's house, which suggested that defendant used the address to avoid detection, 15 minutes after the delivery defendant left the house with the unopened package and placed the parcel in his car, and the parcel was one of two parcels sent by an individual in California who was involved in suspicious drug-related activity. Johnson v. United States, 40 A.3d 1, 2012 D.C. App. LEXIS 130 (2012).

Conduct of judge.

There was reasonable likelihood that trial judge punished defendant convicted of possession of heroin for invoking his Sixth Amendment right of confrontation, such that vacatur of sentence and re-assignment to different judge for re-sentencing was warranted; judge, by reiterating that she would "take into account" defendant's insistence on cross-examining chemist, and that this decision would "have consequences" for him, signaled that she was going to impose more severe sentence because defendant exercised his constitutional right of confrontation, and judge's sentence of incarceration for 180 days, maximum allowed by law, was almost twice what prosecutor had sought. Thorne v. United States, 46 A.3d 1085, 2012 D.C. App. LEXIS 310 (2012).

Conduct of trial.

Trial court did not broaden charges in indictment in allowing jury to conclude that one small plastic bag could provide sufficient basis for possession of drug paraphernalia, in prosecution for possession of cocaine and possession of drug paraphernalia; there was no reasonable likelihood that defendant was convicted of crime different from that charged by grand jury, and nothing in plain language of indictment lent support to notion that grand jury charged defendant with possession of certain small plastic bags in his apartment to the exclusion of others. Ramirez v. U.S., 2012 WL 3513097 (2012).

Constitutional rights.

Police officer's testimony that he was taught that, if he saw green leafy substance turn purple during field test, it was marijuana, did not violate defendant's right of confrontation based on defendant's claim that he should have been allowed to cross-examine individual who taught officer about test results, in trial for attempted possession of marijuana; officer's testimony was not testimonial in nature. Newman v. U.S., 2012 WL 3213242 (2012).

Instructions.

— Lesser included offenses, instructions.

Trial court did not commit plain error in instructing jury that possession of phencyclidine (PCP) was a lesser-included offense of crime of distribution; lesser-included offense issue was not raised before trial judge who had no occasion to consider it, verdict form was unequivocal and not objected to, defense presented expert witness testimony that defendant's conduct was consistent with possession and not distribution, and defendant asked jury to find him guilty on lesser offense of possession. Rose v. U.S., 2012 WL 3513437 (2012).

Nature and elements of offenses.

— Constructive possession, nature and elements of offenses.

Evidence was sufficient to show that defendant constructively possessed drugs and drug paraphernalia, as would support convictions for possession of cocaine and possession of drug paraphernalia; when police ultimately forced their way into apartment after knocking and receiving no response, defendant was in kitchen, along with 27.2 grams of cocaine and digital scales, defendant acknowledged that he resided in apartment where search warrant was executed, and near bed in living room, where defendant indicated he resided, police recovered mail addressed to defendant, photos of defendant, and a bag of cocaine inside a pair of pants. Ramirez v. U.S., 2012 WL 3513097 (2012).

Weight and sufficiency of evidence.

— Distribution, weight and sufficiency of evidence.

Evidence was sufficient to support conviction for possession with intent to distribute a quantity of marijuana; defendant accepted delivery of a parcel containing drugs, he acknowledged that he was the correct recipient, and he signed the postal receipt, almost immediately after delivery defendant took the parcel out to his car and intended to transport it to another location, and the parcel contained approximately 4,797 grams of marijuana worth between $10,000 and $47,000. Johnson v. United States, 40 A.3d 1, 2012 D.C. App. LEXIS 130 (2012).

— Knowledge generally, weight and sufficiency of evidence.

Evidence was sufficient to show that defendant knew or believed that green leafy substance contained in white paper was marijuana, as required to support conviction for attempted possession of marijuana; immediately after making eye contact with police officer, defendant got up from where he was sitting and moved away at "a very fast pace," and defendant clearly sought to distance himself from white piece of paper by placing it on brick wall as he walked away from officers. Newman v. U.S., 2012 WL 3213242 (2012).

— Possession generally, weight and sufficiency of evidence.

Evidence was sufficient to support conviction for possession of phencyclidine (PCP); defendant was seen giving co-defendant money, and then drawing in on a cigarette, consistent with a cigarette dipped in PCP, defendant was also seen lighting a cigarette as he walked back to car, and a wet, partially-burned, PCP-laced cigarette was found on ground outside of front passenger side of car when it was stopped, and three more PCP-laced cigarettes were found inside car. Rose v. U.S., 2012 WL 3513437 (2012).

Evidence was insufficient to establish car owner's constructive possession of cocaine found in compartment under armrest of center console of unlocked car after it was shot while defendant was neither driving nor even present in the car, and thus evidence was insufficient to support conviction for unlawful possession with intent to distribute; evidence that owner had driven the car around five hours before it was shot and secured by the police, had given no one else permission to drive it, often left valuables such as his wallet in the car, spent $249 to improve the car, and had said to detective, "f that vehicle, You all can have it," did not manifest something more in the totality of the circumstances that established that owner meant to exercise dominion or control over the narcotics. James v. United States, 39 A.3d 1262, 2012 D.C. App. LEXIS 134 (2012).

§ 48-904.08. Second or subsequent offenses.

Section references. — This section is referenced in § 48-904.01.

Emergency legislation. — For temporary amendment of section, see § 301(f) of the Om-

nibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

§ 48-904.09. Attempt; conspiracy.

CASE NOTES

Weight and sufficiency of evidence.

Evidence was sufficient to show that defendant knew or believed that green leafy substance contained in white paper was marijuana, as required to support conviction for attempted possession of marijuana; immediately after making eye contact with police officer, defendant got up from where he was sitting and moved away at "a very fast pace," and defendant clearly sought to distance himself from white piece of paper by placing it on brick wall as he walked away from officers. Newman v. U.S., 2012 WL 3213242 (2012).

Subchapter V. Enforcement and Administrative Provisions.

§ 48-905.02. Forfeitures.

(a) The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, or delivering any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2) of this subsection;

(4) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2) of this subsection; provided, that:

(A) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(B) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his or her knowledge or consent;

(C) Repealed; or

(D) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used, or intended for use, in violation of this chapter;

(6) All cash or currency which has been used, or intended for use, in violation of this chapter;

(7) Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of this chapter, all proceeds traceable to

such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of this chapter.

(A) No property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by the owner to have been committed or omitted without the owner's knowledge or consent; and

(B) All moneys, coins and currency found in close proximity to forfeitable controlled substances, forfeitable drug manufacturing or distributing paraphernalia or records of the importation, manufacture, or distribution of controlled substances, are presumed to be forfeitable under this paragraph. The burden of proof is upon any claimant of the property to rebut this presumption; and

(8) Any real property that is used or intended to be used in any manner to commit or facilitate the commission of a violation of this chapter, except that:

(A) No real property shall be forfeited under this paragraph by reason of an act or omission established by the owner to have been committed or omitted without the knowledge and consent of the owner;

(B) Real property shall not be subject to forfeiture for a violation of § 48-904.01(d); and

(C) The forfeiture of real property encumbered by a bona fide security interest shall be subject to the interest of the secured party if the secured party had no knowledge and did not consent to the act or omission that constituted a violation of this chapter.

(a-1) All moneys, coins and currency forfeited pursuant to this chapter shall be deposited as provided in § 23-527.

(b) Property subject to forfeiture under this chapter may be seized by law enforcement officials, as designated by the Mayor, or designated civilian employees of the Metropolitan Police Department, upon process issued by the Superior Court of the District of Columbia having jurisdiction over the property, or without process if authorized by other law.

(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

(d)(1) All controlled substances, the lawful possession of which is not established or the title to which cannot be ascertained, which come into the custody of law-enforcement officials of the District of Columbia, or any designated civilian employees of the Metropolitan Police Department, shall be delivered promptly to the United States Department of Justice or its delegate for disposal, except that controlled substances which may be needed as evidence in any criminal or administrative proceeding pursuant to the provisions of this chapter or the provisions of any federal controlled substances law shall, upon delivery to the United States Department of Justice, not be so disposed of until the public official in charge of prosecuting any violation under this chapter shall certify that such controlled substances are no longer needed as evidence.

(2) Property, other than controlled substances, taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the Mayor. When property is seized under this chapter, the Mayor shall:

(A) Place the property under seal;

(B) Remove the property to a place designated by the Mayor; or

(C) Remove the property to an appropriate location for disposition in accordance with law.

(3)(A) After a proper showing of probable cause for the seizure is made, the Mayor shall cause notice of the seizure of property, other than controlled substances, and the Mayor's intention to forfeit and sell or otherwise dispose of the property in accordance with this chapter to be published for at least 2 successive weeks in a local newspaper of general circulation. In addition, the Mayor shall provide written notice of the seizure together with information on the applicable procedures for claiming the property to each party who is known or in the exercise of reasonable diligence should be known by the Mayor to have a right of claim to the seized property. Notice to each party shall be by registered or certified mail, return receipt requested.

(B) Any person claiming the property may, at any time within 30 days from the date of receipt of notice of seizure, file with the Mayor a claim stating his or her interest in the property. Upon the filing of a claim, the claimant shall give a bond to the District government in the penal sum of $2,500 or 10% of the fair market value of the claimed property (as appraised by the Chief of the Metropolitan Police Department), whichever is lower, but not less than $250, with sureties to be approved by the Mayor. In case of forfeiture of the claimed property, the costs and expenses of the forfeiture proceedings shall be deducted from the bonds. Any costs that exceed the amount of the bond shall be paid by the claimant. In determining the fair market value of the property seized, the Chief of the Metropolitan Police Department shall consider any verifiable and reasonable evidence of value that the claimant may present. The balance of the proceeds shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia;

(C) If a claim and bond (or application for a waiver of bond) are not filed within 30 days of receipt of notice, and if either the property seized has a value of less than $250,000 or the property seized is a conveyance subject to forfeiture under the provisions of paragraph (a)(4) of this section, the Mayor, after determining that the property is forfeitable under this chapter, shall declare the property forfeited and shall dispose of the property in accordance with the provisions of paragraph (4) of this subsection. If the Mayor determines that the seized property is not forfeitable under this chapter and is not otherwise subject to forfeiture, the Mayor shall return the property to its rightful owner.

(D) If it appears to the Mayor that any property seized under this paragraph is liable to perish, waste, or be greatly reduced in value by the keeping, or that the expense of keeping is disproportionate to the value of the property, the Mayor may proceed to advertise and sell the property at auction or otherwise dispose of the property under rules promulgated by the Mayor.

(E) If the property seized is not forfeited or disposed of in accordance with subparagraphs (C) and (D) of this paragraph, the Mayor shall request the Corporation Counsel to apply to the Superior Court of the District of Columbia for forfeiture of the property in accordance with the rules of the Superior Court of the District of Columbia.

(F) Whenever any person who has an interest in forfeited property files with the Mayor, either before or after the sale or disposition of property, a petition for remission or mitigation of the forfeiture, the Mayor shall remit or mitigate the forfeiture upon the terms and conditions as the Mayor deems reasonable if the Mayor finds:

(i) That the forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or

(ii) That mitigating circumstances justify the remission or mitigation of the forfeiture.

(G) In all suits or actions brought for forfeiture of any property seized under this chapter when the property is claimed by any person, the burden of proof shall be on the claimant once the Mayor has established probable cause as provided in subsection (a) of this section.

(H) The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue proposed rules to implement the provisions of this paragraph. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(4) When property, other than controlled substances, is forfeited under this chapter, the Mayor shall:

(A) Retain it for official use;

(B) Sell that which is not required by law to be destroyed and which is not harmful to the public. All proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs shall be deducted from the proceeds. The balance of the proceeds shall be used, and shall remain available until expended regardless of the expiration of the fiscal year in which they were collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs which shall serve to rehabilitate drug addicts, educate citizens, or prevent drug addiction;

(C) Remove the property for disposition in accordance with law; or

(D) Forward it to the D.E.A. for disposition.

(e) During the course of any civil forfeiture proceeding pursuant to this section, which involves real property, the Mayor shall file a notice of the proceeding with the Recorder of Deeds. The notice shall include the legal description of the property and indicate that civil forfeiture is being sought. The Recorder of Deeds shall record the notice against the title of any real property for which civil forfeiture is being sought. Upon resolution of the proceeding, the Recorder of Deeds shall be notified of the disposition of the action.

(Aug. 5, 1981, D.C. Law 4-29, § 502, 28 DCR 3081; Apr. 3, 1982, D.C. Law 4-96, § 2, 29 DCR 762; Sept. 29, 1988, D.C. Law 7-162, § 2, 35 DCR 5733; Dec. 12, 1989, 103 Stat. 1901, Pub. L. 101-223, § 6; June 13, 1990, D.C. Law 8-138,

§ 2(d), 37 DCR 2638; Sept. 26, 1992, D.C. Law 9-155, § 2(a), 39 DCR 5679; Mar. 25, 1993, D.C. Law 9-253, § 3, 40 DCR 790; May 16, 1995, D.C. Law 10-255, § 25, 41 DCR 5193; June 12, 1999, D.C. Law 12-284, § 10(c), 46 DCR 1328; October 4, 2000, D.C. Law 13-160, § 403(b), 47 DCR 4619; Sept. 14, 2011, D.C. Law 19-21, § 9067(a), 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 98(d), 59 DCR 6190.)

Section references. — This section is referenced in § 7-2507.06a, § 22-902, and § 22-2723.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Subchapter VII. Drug Interdiction and Demand Reduction Fund.

§ 48-907.02. Funding and disbursements. [Repealed].

Repealed.

(Aug. 5, 1981, D.C. Law 4-29, § 702, as added June 13, 1990, D.C. Law 8-138, § 2(f), 37 DCR 2638; Sept. 26, 1992, D.C. Law 9-155, § 2(b), 39 DCR 5679; Sept. 26, 1995, D.C. Law 11-52, § 809(a), 42 DCR 3684; Sept. 20, 2012, D.C. Law 19-168, § 8004, 59 DCR 8025.)

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Editor's notes. — Section 8010 of D.C. Law 19-168 provided that §§ 8002, 8003, 8004, 8005, 8006, and 8007 of the act shall apply as of September 14, 2011.

Unit B. General.

Subchapter VIII. Searches Involving Controlled Substances.

§ 48-921.01. Arrests, searches and seizures without warrant.

CASE NOTES

Admissibility of evidence.

Officers, in conducting unconstitutional warrantless search of passenger compartment of arrestee's car after securing him with handcuffs and placing him behind car, did so in objective reasonable reliance on binding appellate precedent, and, thus, good faith exception to the exclusionary rule applied such that evidence seized from car was admissible in drug prosecution; appellate precedent, which upheld warrantless search of inside of defendants' cars, involved one of more occupants of a car who were not securely sequestered at time of search and, thus, factually, did not require Court to distinguish the situation from United States Supreme Court decision of New York v. Belton,

which permitted warrantless search of car's passenger compartment. United States v. Debruhl, 38 A.3d 293, 2012 D.C. App. LEXIS 68 (2012).

CHAPTER 10. DRUG FREE ZONES.

§ 48-1005. Penalties.

LAW REVIEWS AND JOURNAL COMMENTARIES

Retribution or Rehabilitation? The Addict Exception and Mandatory Sentencing After Grant v. United States and the District of Columbia Controlled Substances Amendment Act of 1986. 37 Cath.U.L.Rev. 733, (1988).

CHAPTER 11. DRUG PARAPHERNALIA.

Subchapter I. General

Subchapter I. General.

§ 48-1103. Prohibited acts.

(a) Except as authorized by Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inhale, ingest, or otherwise introduce into the human body a controlled substance. Whoever violates this subsection shall be imprisoned for not more than 30 days or fined for not more than $100, or both.

(b) Except as authorized by Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowingly, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Whoever violates this subsection shall be imprisoned for not more than 6 months or fined for not more than $1,000, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than $5,000, or both.

(c) Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his or her junior is guilty of a special offense and upon conviction may be imprisoned for not more than 8 years, fined not more than $15,000, or both.

(d) Where the violation of the section involves the selling of drug paraphernalia by a commercial retail or wholesale establishment, the court shall revoke the license of any licensee convicted of a violation of this section and the certificate of occupancy for the premises.

(e)(1) Except as provided in paragraphs (2), (3), and (3A) of this subsection, it is unlawful to sell the following products in the District of Columbia:

(A) Cocaine free base kits;

(B) Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device;

(C) Cigarette rolling papers; and

(D) Cigar wrappers, including blunt wraps.

(2) A commercial retail or wholesale establishment may sell cigarette rolling papers if the establishment:

(A) Derives at least 25% of its total annual revenue from the sale of tobacco products; and

(B) Sells loose tobacco intended to be rolled into cigarettes or cigars.

(3) A wholesaler may sell cigarette rolling papers to retail establishments described in paragraph (2) of this subsection.

(3A) A cultivation center or dispensary may sell cigarette rolling papers in accordance with Chapter 16B of Title 7 [§ 7-1671.01 et seq.].

(4) A person who violates this subsection shall be imprisoned for not more than 180 days or fined not more than $1,000, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than $5,000, or both.

(Sept. 17, 1982, D.C. Law 4-149, § 4, 29 DCR 3369; Mar. 14, 1985, D.C. Law 5-159, § 14, 32 DCR 30; June 13, 1990, D.C. Law 8-138, § 3(b), 37 DCR 2638; Apr. 9, 1997, D.C. Law 11-213, § 2(c), 43 DCR 4990; Apr. 24, 2007, D.C. Law 16-306, § 227(c), 53 DCR 8610; July 23, 2010, D.C. Law 18-189, § 5(b), 57 DCR 3019; July 27, 2010, D.C. Law 18-210, § 3(d), 57 DCR 4798; Sept. 26, 2012, D.C. Law 19-171, § 138, 59 DCR 6190.)

Section references. — This section is referenced in § 7-403, § 48-1102, § 48-1103.01, and § 48-1104.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted "paragraphs (2), (3), and (3A) of this subsection" for "paragraphs (2), (3) and (4) of this subsection" in (e)(1); and validated a previously made technical correction in (e)(3A).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CASE NOTES

Weight and sufficiency of evidence.

Evidence was sufficient to show that defendant constructively possessed drugs and drug paraphernalia, as would support convictions for possession of cocaine and possession of drug paraphernalia; when police ultimately forced their way into apartment after knocking and receiving no response, defendant was in kitchen, along with 27.2 grams of cocaine and digital scales, defendant acknowledged that he resided in apartment where search warrant was executed, and near bed in living room,

where defendant indicated he resided, police recovered mail addressed to defendant, photos of defendant, and a bag of cocaine inside a pair of pants. Ramirez v. U.S., 2012 WL 3513097 (2012).

TITLE 50. MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC.

SUBTITLE I. COMMERCIAL AND GOVERNMENT VEHICLES.

SUBTITLE IV. MOTORIZED VEHICLE REGISTRATION, INSPECTION, LICENSING.

SUBTITLE VII. TRAFFIC.

SUBTITLE VIII. VEHICLES ON PUBLIC AND PRIVATE SPACE.

SUBTITLE I. COMMERCIAL AND GOVERNMENT VEHICLES.

CHAPTER 2. PUBLIC-OWNED VEHICLES.

Subchapter I. General Provisions.

§ 50-201. Distinctive markings. [Repealed].

Repealed.

(Mar. 3, 1917, 39 Stat. 1010, ch. 160; Mar. 5, 2013, D.C. Law 19-223, § 202, 59 DCR 13537.)

Legislative history of Law 19-223. — Law 19-223, the "Employee Transportation Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-354. The Bill was adopted on first and second readings on July 10, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Nov. 5, 2012, it was assigned Act No. 19-534 and transmitted to Congress for its review. D.C. Law 19-223 became effective on Mar. 5, 2013.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

Because of the codification of D.C. Law 19-223, §§ 101 to 107 as subchapter II of this chapter, the preexisting text, §§ 50-201 to 50-205, has been designated as subchapter I.

§ 50-202. Official use.

All passenger motor vehicles and watercraft owned by the District of Columbia shall be operated and utilized in conformity with 31 U.S.C. §§ 1343(a) to (d), 1344, and 1349(b), and shall be under the direction and control of the Mayor of the District of Columbia. The Mayor is authorized to alter or change the assignment or direct the alteration or interchangeable use of any passenger motor vehicles or watercraft by officers and employees of the District of Columbia except as otherwise provided in such sections.

(Oct. 26, 1973, 87 Stat. 504, Pub. L. 93-140, § 2; Mar. 5, 2013, D.C. Law 19-223, § 203, 59 DCR 13537.)

Section references. — This section is referenced in § 50-204.

Effect of amendments. — The 2012 amendment by D.C. Law 19-223 deleted the former last sentence, which read: "Limitations on the official use of passenger motor vehicles, as set out in such sections, shall not apply to the Mayor or, with the approval of the Mayor, to officers and employees of the District government the character of whose duties make such transportation necessary."

Legislative history of Law 19-223. — See note to § 50-201.

Editor's notes.

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-204. Restrictions on the Use of Official Vehicles.

(a) Except as otherwise provided in this section, no officer or employee of the District may be provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this subsection, the term "official duties" shall not include travel between the officer's or employee's residence and workplace; except in the case of (1) an officer or employee of the Metropolitan Police Department who resides in the District or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the D.C. Fire and Emergency Medical Services Department who resides in

the District and is on call 24 hours a day; (3) the Mayor; (4) the Chairman of the Council; (5) at the discretion of the Chief Medical Examiner, an employee of the Office of the Chief Medical Examiner who resides in the District and is on call 24 hours a day; (6) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District and is on call 24 hours a day; and (7) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District and is on call 24 hours a day.

(b)(1) No officer or employee of the executive branch of the District government, except the Mayor, shall utilize the services of any District government employee for use as a chauffeur from residence to work or vice versa, unless such use is authorized first, in writing, by the Mayor. All such authorizations and the cost thereof shall be reported to the Council on a quarterly basis and made available on the Department of Public Works' website.

(2) No officer or employee of the executive branch of the District government, except the Mayor, shall utilize the services of any District government employee for use as a chauffeur during the work day unless such use is authorized in writing, by the appropriate agency head. All such authorizations and the cost thereof, shall be reported to the Council on a quarterly basis and made available to the public on the Department of Public Works' website.

(3) No District employee shall offer or accept, as a perquisite of employment in hiring or contract negotiation, an assigned chauffeur.

(c)(1) The Director shall make available on the Department of Public Works' website an inventory of vehicles owned, leased, or otherwise controlled by the District government, or any of its entities, excluding vehicles falling under the guidelines of paragraph (4) of this subsection, as of the end of the fiscal year. The inventory shall be distributed to the Council and made available to the public on the Department of Public Works' website by December 15 of each year. The inventory shall be completed annually for each fiscal year ending on September 30 and shall be distributed to the Council and made available to the public on the Department of Public Works' website by December 15 of the next fiscal year.

(2) The inventory shall include the following for each vehicle:

(A) The agency to which it is assigned;

(B) Its year, make, and vehicle tag number;

(C) Its acquisition date and cost;

(D) Its general condition;

(E) Its annual operating and maintenance costs;

(F) Its approximate current mileage; and

(G) Whether it is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and state of residence, and a written justification explaining the public interest served by allowing the employee to take a vehicle to the employee's residence.

(3) The Director shall update the inventory on a quarterly basis to reflect any changes in fleet composition resulting from vehicle acquisition through

purchase, lease, or transfer or disposed of through sale, demolition, disposal, or transfer.

(4) The Metropolitan Police Department may submit, under separate seal, the total number and acquisition cost of vehicles used for undercover operations directly to the Chairman of the Council, the chair of the Council committee with oversight of the Metropolitan Police Department, and the chair of the Council committee with oversight of the Department of Public Works.

(d) [Not funded].

(Oct. 19, 2000, D.C. Law 13-172, § 3602, 47 DCR 6308; Mar. 5, 2013, D.C. Law 19-223, § 201, 59 DCR 13537.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-223 rewrote the section.

Legislative history of Law 19-223. — See note to § 50-201.

Editor's notes.

Section 401 of D.C. Law 19-223 provided that §§ 103, 105(c), and 201(d) of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

Subchapter II. Fleet Management Administration.

§ 50-211.01. Definitions.

For the purposes of this subchapter, the term:

(1) "Alternative fuel" means fuels defined as alternative fuels by 42 U.S.C. § 13211(2).

(2) "Bikeshare" means the Capital Bikeshare program or its successor programs that allow point-to-point bicycle sharing at stations throughout the District

(3) "Chauffeur" means a District employee who is assigned the official duty of regularly driving a supervising employee to and from the employee's home, appointments, or work sites, and who does not have an official purpose for travel beyond driving the supervising employee.

(4) "Compact vehicle" means a vehicle with an interior volume index greater than or equal to 100 cubic feet but less than 110 cubic feet as set forth in the description of a compact car as defined by the vehicle class size set forth in 40 C.F.R. § 600.315-08 (a)(1)(iv), approved December 27, 2006.

(5) "Director" means the Director of the Department of Public Works or the Director's designee.

(6) "DPW" means the Department of Public Works.

(7) "Emergency vehicle" means a vehicle authorized by the District to exceed the speed limit to transport people or equipment to and from situations in which speed is required to save lives or property and that is equipped with audible and visual signals capable of being seen and heard from a distance of not less than 500 feet.

(8) "Fleetshare" means the District's centrally managed motor pool of passenger vehicles that are available for District employee use for official

purposes through advance reservation and billed to the agency according to use.

(9) "Fuel economy" means the average number of miles traveled by an automobile for each gallon of gasoline (or equivalent amount of other fuel) used, as determined by the Administrator of the Environmental Protection Agency.

(10) "Heavy equipment" means vehicles or vehicle attachments that cannot be classified as either passenger or non-passenger vehicles and that are used to perform road maintenance, construction, earth-moving, or another specialized function.

(11) "Large vehicle" means a vehicle with an interior volume index greater than or equal to 120 cubic feet as set forth in the description of a large car as defined by the vehicle class size set forth in 40 C.F.R § 600.315-08(a)(1)(vi), approved December 27, 2006.

(12) "Passenger vehicle" means any automobile, other than an automobile designed for off-highway operation, manufactured primarily for the transportation of no more than 15 individuals.

(13) "Specialized vehicle" means a vehicle uniquely outfitted for service based on an agency's mission.

(14) "Vehicle" means an automobile or motorcycle classified for on- Highway operation, excluding a sub-class generally considered to be a specialized vehicle or heavy equipment. The term "vehicle" shall not mean bicycles, pedicycles, personal mobility devices such as Segways or motorized wheelchairs, or other non-motorized conveyances.

(Mar. 5, 2013, D.C. Law 19-223, § 101, 59 DCR 13537.)

Legislative history of Law 19-223. — Law 19-223, the "Employee Transportation Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-354. The Bill was adopted on first and second readings on July 10, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Nov. 5, 2012, it was assigned Act No. 19-534 and transmitted to Congress for its review. D.C. Law 19-223 became effective on Mar. 5, 2013.

Editor's notes. — Section 301 of D.C. Law 19-223 provided:

"Rules.

"(a)(1) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this act within 120 days of its effective date [March 5, 2013].

"(2) The proposed rules, and any subsequent amendments, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

"(b) The existing rules regarding fleet management in the District, to the degree that they are consistent with this act, shall remain in effect until they are superseded by rules issued in accordance with subsection (a) of this section."

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.02. Application; exemptions.

(a) Except as provided in subsection (b) of this section, this subchapter shall apply to all subordinate agencies.

(b) The following subordinate agencies are exempt from §§ 50-211.03,

50-211.04, 50-211.05, 50-211.06, and 50-211.07 and shall designate their own fleet managers to perform fleet management functions:

(1) The Metropolitan Police Department for all vehicles;

(2) The Department of Corrections for specialized vehicles;

(3) The Fire and Emergency Medical Services Department for emergency and specialized vehicles;

(4) The Office of the State Superintendent of Education for student transportation vehicles;

(5) The Office of the Chief Medical Examiner for specialized vehicles;

(6) The Homeland Security and Emergency Management Agency for specialized vehicles;

(7) The Department of Youth Rehabilitation Services for specialized vehicles;

(8) The District Department of Transportation for specialized vehicles;

(9) The Department of Parks and Recreation for specialized vehicles;

(10) The Department of General Services for specialized vehicles; and

(11) The District of Columbia Taxicab Commission for specialized vehicles.

(c)(1) The Council is exempt from § 50-211.05(a) and may procure its own vehicles; provided, that the procurement complies with §§ 50-211.05(b) and 50-211.05(c).

(2) The Council shall designate its own fleet manager to perform fleet procurement and management functions set forth in §§ 50-211.03, 50-211.04, and 50-211.05.

(3) The Mayor or the Director shall not have the authority to monitor, review, or establish standards, procedures, regulations, or rules for the procurement or management of vehicles by the Council or Council employees, unless the Council enters into a memorandum of understanding with DPW for procurement and management of its vehicles under the Fleetshare program.

(d)(1) An independent agency or instrumentality that owns or leases 10 or fewer vehicles may:

(A) Designate its own fleet manager to perform fleet procurement and management functions set forth in §§ 50-211.03, 50-211.04, and 50-211.05; or

(B) Establish a memorandum of understanding with DPW for procurement and management of its vehicles.

(2) An independent agency or instrumentality that owns or leases more than 10 vehicles:

(A) Shall comply with § 50-211.05 and procure vehicles through the Director; and

(B)(i) May designate its own fleet manager to perform the Director's fleet management functions set forth in §§ 50-211.03 and 50-211.04; or

(ii) May establish a memorandum of understanding with DPW for management of its vehicles.

(e) This subchapter shall not be construed to affect or limit the powers or duties of the Chief Procurement Officer as set forth in Chapter 3A of Title 2 [§ 2-351.01 et seq.].

(Mar. 5, 2013, D.C. Law 19-223, § 102, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.03 and § 50-211.05.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.03. Program establishment [Not funded].

[Not funded].

(Mar. 5, 2013, D.C. Law 19-223, § 103, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 103, 105(c), and 201(d) of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

§ 50-211.04. Program goals.

(a) The Director, in coordination with the District Department of Transportation ("DDOT ") and other agencies, shall balance the following goals in performing the Director's responsibilities:

(1) Providing vehicles that meet the mission of the client agency;

(2) Enhancing the overall cost and energy efficiency of the District government's vehicle fleet;

(3) Reducing the total number of passenger vehicles in the standing fleet and reduce their use;

(4) Encouraging transit use and multimodal transportation;

(5) Promoting the use of Bikeshare for work-related travel;

(6) Promoting the use of taxicabs for trips where the cost of a taxi would be less than the cost of using a government vehicle;

(7) Ensuring timely reimbursement for work-related transportation expenses incurred by employees;

(8) Reducing total fuel use, improving fleet fuel economy, and promoting the use of alternative fuels;

(9) Diversifying the range of fuels used for transportation within the District;

(10) Using the District's purchasing power to facilitate the availability of alternative fuels for use in private fleets and personal vehicles;

(11) Meeting or exceeding the requirements of section 507 of the Energy Policy Act of 1992, approved October 24, 1992 (106 Stat. 2891; 42 U.S.C. § 13257) and associated regulations; and

(12) When vehicle acquisition is necessary, acquiring a vehicle with the lowest real cost of ownership.

(b) Factors to consider in determining the real cost of ownership for the purpose of subsection (a)(12) of this section shall include:

(1) The sales price of vehicle;

(2) The projected vehicle life;

(3) The projected fuel costs;

(4) The projected operation costs;

(5) The projected maintenance costs; and

(6) The vehicle emissions.

(Mar. 5, 2013, D.C. Law 19-223, § 104, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.05. Acquisition authority.

(a) Other than the Director and the entities exempt under § 50-211.02(b), (c), and (d)(1), no District entity, subdivision, or agency shall execute an agreement to purchase, lease, or otherwise acquire a vehicle for District government use; provided, that the Director may delegate the authority to acquire a specialized vehicle, emergency vehicle, heavy equipment, or non-passenger vehicle to another subordinate agency.

(b) Passenger vehicles acquired by the District shall be compact vehicles or smaller, except where the Director provides a written finding that these vehicles cannot meet the specific mission needs.

(c) [Not funded].

(Mar. 5, 2013, D.C. Law 19-223, § 105, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02 and § 50-211.03.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 103, 105(c), and 201(d) of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.06. Alternative fuel.

(a) On or before April 15, 2013, the Mayor shall transmit to the Council a plan to expand the use of alternative fuels in District government vehicles, whether through the use of government-owned fueling stations or privately operated fueling stations.

(b) In developing this plan, consideration should be given to requiring fueling stations that sell fuel to the District to:

(1) Provide at least one alternative fuel;

(2) Use industry standard fueling equipment that is compatible with existing government vehicles; and

(3) Sell alternative fuels to the general public.

(Mar. 5, 2013, D.C. Law 19-223, § 106, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-221.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.07. Employee transportation.

(a) On or before December 31, 2012, the Mayor shall transmit a report to the Council discussing:

(1) How District government employees travel within the Washington, D.C. metropolitan region for work-related business;

(2) How the cost of work-related travel could be decreased;

(3) Whether the use of alternative transportation, such as Washington Metropolitan Area Transit Authority ("WMATA") services, Circulator, Bikeshare, and taxicabs by District government employees for work-related business could be increased and, if so, how; and

(4) Which District agencies offer transit benefits to employees, and to which employees.

(b) On or before March 15, 2013, the Members of the Council shall submit and the Secretary to the Council shall compile a report to the Council discussing:

(1) How Council employees travel within the District for work-related business;

(2) How the cost of work-related travel could be decreased;

(3) Whether the use of alternative transportation, such as WMATA services, Circulator, Bikeshare, and taxicabs by Council employees for work-related business could be increased and, if so, how; and

(4) Whether the Council offers transit benefits to employees.

(Mar. 5, 2013, D.C. Law 19-223, § 107, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

CHAPTER 3. REGULATION OF TAXICABS.

Subchapter I. General

Subchapter I. General.

§ 50-301. Findings.

Section references. — This section is referenced in § 47-2829 and § 47-2862.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification pub-

lished by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-302. Purposes.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-303. Definitions.

Section references. — This section is referenced in § 50-2201.03.

Emergency legislation. — For temporary (90 day) amendment of section, see § 2(a) of the Taxicab Service Improvement Emergency Amendment Act of 2012 (D.C. Act 19-403, July 24, 2012, 59 DCR 9116).

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-304. District of Columbia Taxicab Commission — Established.

Section references. — This section is referenced in § 50-303.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-305. District of Columbia Taxicab Commission — Membership; appointment; terms; chairperson.

Section references. — This section is referenced in § 1-611.08.

Editor's notes.

D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-306. District of Columbia Taxicab Commission — Organization.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-307. Duties of Commission; jurisdiction, powers, and duties of Commission panels.

Section references. — This section is referenced in § 50-306, § 50-308, § 50-309, and § 50-310.

Emergency legislation.

For temporary (90 day) addition, see § 3 of the Taxicab Service Improvement Emergency Amendment Act of 2012 (D.C. Act 19-403, July 24, 2012, 59 DCR 9116).

Editor's notes.

D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

D.C. Law 19-184, effective October 22, 2012, added D.C. Law 6-97, § 8a subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the legislation has not been codified.

§ 50-308. Panel on Rates and Rules; quorum; rule and ratemaking requirements.

Section references. — This section is referenced in § 50-306 and § 50-307.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, repealed this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the repeal has not been implemented.

§ 50-309. Panel on Consumer and Industry Concerns; quorum; adjudication and rulemaking requirements.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, repealed this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the repeal has not been implemented.

§ 50-309.02. Hearing examiner — appointment, powers, and duties; appeals.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-310. Internal and procedural rules.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-311. Full Commission meetings; annual report.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-312. Office of Taxicabs established.

Section references. — This section is referenced in § 50-303, § 50-307, and § 50-2536.

Editor's notes.

D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-313. Regulation of passenger vehicles for hire.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-317. Rate proceeding; standard for rate structure.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-319. License requirement.

Section references. — This section is referenced in § 50-331.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-320. District of Columbia Taxicab Commission Fund; established.

(a) There is established within the District of Columbia treasury a fiduciary fund known as the District of Columbia Taxicab Commission Fund ("Fund"). The Fund shall consist of:

(1) All assessments levied by the Commission against taxicab operators upon the issuance and renewal of a public vehicle operator's identification license issued pursuant to § 47-2829(e); and

(2)(A) The proceeds of a fee established by the Commission, by rule, that is estimated to aggregate at least $1 million in fiscal year 2013, and each fiscal year thereafter; or

(B) Any other amounts designated by law or reprogramming to be

deposited into the Fund in an amount that is estimated to aggregate at least $1 million in fiscal year 2013, and each fiscal year thereafter.

(b) The Fund shall be used to pay the costs of the Commission, including the costs of operating and administering programs, investigations, proceedings, and inspections, and any costs including any costs for improving the District's taxicab fleet.

(c) After June 24 1987, continued resources for the Fund shall be provided through an assessment levied against taxicab and passenger vehicle for hire operators as determined by Commission rule. Monies deposited into the Fund after June 24, 1987, shall be used by the Commission for any investigation or proceeding by the Commission concerning taxicab and passenger vehicle for hire rates and regulations as determined by rules promulgated by the Commission and submitted to the Council for approval, in whole or in part, by resolution. No assessment imposed by the Commission on an operator pursuant to this subsection shall exceed $50 per year. Nothing in this subsection shall affect any requirements imposed upon the Commission by subchapter I of Chapter 5 of Title 2.

(d) The Commission shall assess each taxicab and passenger vehicle for hire operator $50 per year upon the issuance or renewal of each operator identification card license.

(e) Repealed.

(f) Repealed.

(Mar. 25, 1986, D.C. Law 6-97, § 20a, as added May 10, 1988, D.C. Law 7-107, § 2, 35 DCR 2176; Sept. 22, 1994, D.C. Law 10-171, § 2(d), 41 DCR 5149; Oct. 19, 2000, D.C. Law 13-172, § 1502, 47 DCR 6308; Mar. 3, 2010, D.C. Law 18-111, § 6041, 57 DCR 181; Sept. 20, 2012, D.C. Law 19-168, § 6052, 59 DCR 8025.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 rewrote (a).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2(b) of the Taxicab Service Improvement Emergency Amendment Act of 2012 (D.C. Act 19-403, July 24, 2012, 59 DCR 9116).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Editor's notes.

D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

§ 50-324. Wheelchair-Accessible Taxicab Promotion Fund.

Emergency legislation.

For temporary addition of D.C. Law 6-97, § 20o, concerning fleeing from a public vehicle inspection officer in a public vehicle-for-hire, see § 402 of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, repealed this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified

by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the repeal has not been implemented.

D.C. Law 19-184, effective October 22, 2012, added D.C. Law 6-97, §§ 20f to 20m subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the legislation has not been codified.

Subchapter III. Payment of Taxicab Charge.

§ 50-351. Payment of taxicab charge.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, repealed this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the repeal has not been implemented.

Subchapter IV. Loitering By Taxicabs.

§ 50-371. Loitering of public cabs.

Editor's notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

Subchapter V. Taxicab Metering.

§ 50-381. Metered taxicabs in the District of Columbia.

CASE NOTES

Traffic stops.

D.C. Taxicab Commission's (DCTC's) promulgation of General Order rendered moot claim for injunctive relief by taxicab drivers' association alleging that DCTC's policy of encouraging unlawful traffic stops and inspections by hack inspectors violated the Fourth Amendment and seeking adoption of the same policy formalized in order permitting traffic stops only where there was reasonable cause; no reasonable expectation existed that DCTC would retract order in the future, and order provided sufficiently clear direction to government employees to ameliorate effects of alleged violation. D.C. Professional Taxicab Drivers Ass'n v. District of Columbia, 2012 WL 3065309 (2012).

SUBTITLE IV. MOTORIZED VEHICLE REGISTRATION, INSPECTION, LICENSING.

Chapter 9A. Department of Transportation.

Subchapter I. General Provisions.

§ 50-921.02. Director.

(a) The DDOT shall be headed by a Director. The Director shall be appointed by the Mayor with the advice and consent of the Council pursuant to § 1-523.01(a).

(b) The Director shall have authority over DDOT, its functions and personnel, including the power to re-delegate to employees authority as, in the judgment of the Director, is warranted in the interests of efficiency and sound administration.

(c)(1) The Director may issue grants not to exceed $1 million per grant to achieve the District's transportation goals, including safety objectives.

(2) No later than December 31 of each year, the Mayor shall submit to the Council an annual report specifying for each grant awarded by the District Department of Transportation in the prior fiscal year the following information:

(A) The name of the recipient;

(B) The amount awarded;

(C) The purpose for the grant awarded;

(D) A description of outcomes to be achieved with the funds of the grant; and

(E) An evaluation of whether the identified outcomes have been achieved with the grant.

(3) Notwithstanding paragraph (1) of this subsection, the Director may issue sole source subgrants in excess of $1 million to the Union Station Redevelopment Corporation for the purpose of improving Union Station; provided, that the grants are federal grants and that the Union Station Redevelopment Corporation provides any necessary match.

(d)(1) The Director may enter into agreements with community-based organizations to support community-based transportation enhancement activities that are funded and approved by the Federal Highway Administration.

(2) An agreement made pursuant to this subsection shall constitute an

agreement making or receiving grants-in-aid and shall be exempt from Chapter 3A of Title 2, in accordance with § 2-351.05(c)(12).

(3) The Director shall submit to the Council on an annual basis a report detailing such grants and agreements.

(e)(1) The Director shall not spend directly from capital projects created in fiscal year 2012 or later that are funded through the District of Columbia Highway Trust Fund established under § 9-111.01.

(2) The Director may submit requests to the Office of Budget and Planning of the Office of the Chief Financial Officer ("OBP") to allocate funds for the Related Projects of each capital project created in fiscal year 2012 or later funded from the District of Columbia Highway Trust Fund. The Director, following allocation of funds by OBP to Related Projects, shall have the authority to obligate and spend the funds.

(f) The Director may:

(1) Enter into agreements with private nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities pursuant to 49 U.S.C. § 5310 (the "5310 Program");

(2) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate;

(3) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program guidelines and regulations enacted pursuant to this subsection, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives;

(4) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director; and

(5) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor's authority under subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.].

(May 21, 2002, D.C. Law 14-137, § 3, 49 DCR 3444; Mar. 13, 2004, D.C. Law 15-105, § 20(b), 51 DCR 881; Apr. 13, 2005, D.C. Law 15-354, § 77(b), 52 DCR 2638; Oct. 22, 2008, D.C. Law 17-248, § 2(a), 55 DCR 9203; Sept. 14, 2011, D.C. Law 19-21, § 11002, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6024(a), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 220, 59 DCR 6190; Mar. 19, 2013, D.C. Law 19-241, § 2(a), 59 DCR 14794.)

Section references. — This section is referenced in § 50-921.13.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (c)(3).

The 2012 amendment by D.C. Law 19-171 substituted "shall be exempt from Chapter 3A of Title 2, in accordance with § 2-351.05(c)(12)" for "shall be exempt from Unit A of Chapter 3 of Title 2, in accordance with § 2-301.04(b)" in (d)(2).

The 2013 amendment by D.C. Law 19-241 added (f).

Temporary Amendment of Section.

Section 2 of D.C. Law 19-166 added (c)(3) to read as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Director may issue sole source

subgrants in excess of $1 million to the Union Station Redevelopment Corporation for the purpose of improving Union Station; provided, that the grants are federal grants and that the Union Station Redevelopment Corporation provides any necessary match."

Section 4(b) of D.C. Law 19-166 provided that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 19-208 added subsection (f) to read as follows:

"(f) The Director may enter into agreements with private nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities pursuant to 49 U.S.C. § 5310 (the '5310 Program'). Furthermore, the Director shall have the authority to:

"(1) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate in the 5310 Program;

"(2) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program guidelines and regulations enacted pursuant to this subsection, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives;

"(3) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director; and

"(4) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor's authority under Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.)."

Section 4(b) of D.C. Law 19-208 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary amendment of (f), see § 2(a) of the District Department of Transportation Accessible Vehicles Fund Emergency Amendment Act of 2012 (D.C. Act 19-465, October 4, 2012, 59 DCR 11764).

For temporary (90 day) amendment of section, see § 2(a) of Department of Transportation Establishment Emergency Amendment Act of 2008 (D.C. Act 17-308, February 25, 2008, 55 DCR 2522).

For temporary (90 day) amendment of section, see § 2 of District Department of Transportation Grant Authority Emergency Amendment Act of 2012 (D.C. Act 19-353, May 11, 2012, 59 DCR 5125).

For temporary (90 day) amendment of section, see § 2 of the District Department of Transportation Grant Authority Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-405, July 24, 2012, 59 DCR 9122).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Legislative history of Law 19-241. — Law 19-241, the "District Department of Transportation Accessible Vehicles Fund Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-952. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 4, 2012, it was assigned Act No. 19-561 and transmitted to Congress for its review. D.C. Law 19-241 became effective on Mar. 19, 2013.

§ 50-921.04. Duties.

The offices of the DDOT shall plan, program, operate, manage, control, and maintain systems, processes, and programs to meet transportation needs as follows:

(1) Infrastructure Project Management Administration shall:

(A) Manage and implement transportation improvement plans and projects;

(B) Manage and construct capital projects related to the design and

installation of streets, alleys, curbs, gutters, bicycle lanes, sidewalks, streetscapes, and medians;

(C) Conduct studies, review and approve construction materials utilization and ensure that the transportation system is maintained to the highest standards; and

(D) Administer the full range of processing required to execute construction contracts for transportation, from initial preparation of bid documents through final construction completion;

(2) Transportation Policy and Planning Administration shall:

(A) Develop and update the Internodal State Transportation Plan, corridor management plans and other traffic studies on a regular basis, focusing on the safe and efficient movement of people, goods, and information;

(B) Conduct planning studies on the condition and quality of the District's transportation system to locate areas where future investment is required;

(C) Develop alternative methods of financing transportation projects and services to achieve financial self-sufficiency;

(D) Develop streetscape standards;

(E) Develop and implement transportation safety programs;

(F) Develop and maintain a performance monitoring system to measure the quality and effectiveness of transportation services;

(G) Develop and maintain the transportation elements of the Geographic Information System;

(H) Develop paratransit systems, water taxis, tour bus support services, light rail streetcar transit systems and other transportation services to provide for safe and efficient movement of persons throughout the city;

(I) Operate the District of Columbia School Transit Subsidy Program;

(J) Prepare studies on mass transit needs of District residents, including rail and bus services, review and revise bus routes, review and revise the location of bus shelter locations, support WMATA Board members, and act as a liaison between WMATA and the District government;

(K) Develop policies and programs to encourage and provide for the safe use of bicycles for recreation and work-related travel, including planning, developing, operating, and regulating a Bike Sharing program, and administering the Bicycle Sharing Fund established by § 50-921.14 to fund a Bike Sharing program;

(L) Operate, develop, and finance the DC Circulator pursuant to subchapter II of this chapter;

(M) Develop and update the District's various transportation improvement plans, consistent with federal and local requirements; and

(N) Operate, develop, regulate, and finance the DC Streetcar.

(3) Traffic Services Administration shall:

(A) Provide a safe transportation system by maintaining a high quality traffic control system, including traffic signals and street lights;

(B) Incorporate transportation safety features in the development, design, and construction of pedestrian, bicycle, motor vehicle, and mass transportation facilities and programs;

(C) Maintain the mechanical and electrical systems which support the transportation infrastructure;

(D) With the signed approval of the Director of the Department of Public Works:

(i) Allocate and regulate on-street parking;

(ii) Develop a city-wide parking management program to balance the needs of parking in support of economic development; and

(iii) Establish parking and curb regulations; and

(E) Concurrent with any other agency's authority to do so, enforce all violations of statutes, regulations, executive orders, or rules relating to motor vehicle parking offenses and enforce violations of statutes, regulations, and rules relating to the operation of a motor vehicle, except those violations contained in § 50-2302.02.

(4) Rights-of-Way Management Administration shall:

(A) Review and approve public space permit requests for work within public rights-of-way, including private use and utility work public space requests, to ensure that transportation services are maintained and that the infrastructure is restored after the work is complete;

(B) Maintain official public space records;

(C) Perform regular inspections of the transportation system infrastructure;

(D) Perform routine repair and maintenance activities to maintain a high quality of transportation infrastructure;

(E) Coordinate seasonal snow removal operation on major arterial in conjunction with the Department of Public Works;

(F) With the consent of the Chief Property Management Officer, acquire real property, by purchase or lease, grant or gift for use by DDOT, and dispose of real property through sale, lease, or other authorized method, and exercise other acquisition and property disposition authority delegated to the Mayor; and

(G) Enter into agreements to allow the placement of advertisements on District property, under the control of DDOT, in public space and collect payments under the agreements, if:

(i) The placement of the advertisement is not in violation of District or federal laws, regulations, or orders;

(ii) The following provision is included in the advertisement agreement:

"If the Mayor or the Director of DDOT receives notice from the United States Secretary of Transportation that the future operation of the advertisement agreement may result in a reduction of the District's share of federal highway funds pursuant to section 131 of Title 23 of the United States Code, the advertiser or advertiser agency shall remove the advertisement within 30 days from the date of receipt of the notice by the District. Upon the expiration of the 30 days specified in this paragraph, if the advertiser or advertiser agency fails to cure the violation that resulted in the threatened reduction of highway funds, the Director of DDOT may terminate this agreement at no cost to the District.";

(iii) The requirements of § 1-303.22 and 12A DCMR § 3107, pertaining to outdoor signs and other forms of exterior advertising in the District of Columbia, shall not apply; and

(iv) All proceeds collected from the advertising agreement shall be paid into the DDOT Enterprise Fund for Transportation Initiatives, established under § 50-921.13.

(5) Tree Management Administration shall:

(A) Maintain a tree inventory system;

(B) Perform routine tree maintenance;

(C) Review transportation related construction plans to ensure the provision of adequate rights-of-way for tree planting; and

(D) Plant, remove, and trim trees citywide.

(May 21, 2002, D.C. Law 14-137, § 5, 49 DCR 3444; Apr. 13, 2005, D.C. Law 15-354, § 77(b), (c), 52 DCR 2638; Mar. 6, 2007, D.C. Law 16-225, § 3(d), 53 DCR 10232; Sept. 18, 2007, D.C. Law 17-20, § 6032(b), 54 DCR 7052; Oct. 22, 2008, D.C. Law 17-248, § 2(b), 55 DCR 9203; Sept. 24, 2010, D.C. Law 18-223, § 6052(b), 57 DCR 6242; Mar. 31, 2011, D.C. Law 18-339, § 6(b), 58 DCR 618; Sept. 14, 2011, D.C. Law 19-21, § 6022, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 139, 59 DCR 6190; Mar. 19, 2013, D.C. Law 19-234, § 2(a), 59 DCR 14772.)

Section references. — This section is referenced in § 5-401.01, § 50-921.06, and § 50-921.16.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 18-339 which did not affect this section as codified.

The 2013 amendment by D.C. Law 19-234 rewrote (2)(K).

Temporary Amendment of Section.

Section 2(a) of D.C. Law 19-198 amended (2)(K) to read as follows;

"The offices of the DDOT shall plan, program, operate, manage, control, and maintain systems, processes, and programs to meet transportation needs as follows:

*****

"(2) Transportation Policy and Planning Administration shall:

*****

"(K) Develop policies and programs to encourage and provide for the safe use of bicycles for recreational and work-related travel, including planning, developing, operating, and regulating a Bike Sharing program, and administering the Bicycle Sharing Fund established by section 9f to fund a Bike Sharing program;"

Section 5(b) of D.C. Law 19-198 provided that the act shall expire after 225 days of its having taken effect.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Legislative history of Law 19-234. — Law 19-234, the "District Department of Transportation Bicycle Sharing Fund Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-856. The Bill was adopted on first and second readings on Nov. 1, 2012, and Nov. 15, 2012, respectively. Signed by the Mayor on Nov. 30, 2012, it was assigned Act No. 19-551 and transmitted to Congress for its review. D.C. Law 19-234 became effective on Mar. 19, 2013.

Editor's notes. — Section 6062 of D.C. Law 19-168 provided that on or before September 30, 2013, the District Department of Transportation shall prepare a policy compendium listing all of the agency's policies and procedures that affect the management of the transportation network and public space; and that the District Department of Transportation shall make the policy compendium available online.

Section 6063 of D.C. Law 19-168 provided that on or before October 1, 2012, January 1, 2013, April 1, 2013, and July 1, 2013, the District Department of Transportation shall submit a report to the Council on the status of the policy compendium, the progress made in the preceding quarter, and the projected timeline for completion.

§ 50-921.10. District Department of Transportation Operating Fund. [Repealed].

Editor's notes.
The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 17-353 which did not affect the repeal of this section.

§ 50-921.13. The District Department of Transportation Enterprise Fund for Transportation Initiatives.

(a) There is established as a nonlapsing fund the District Department of Transportation Enterprise Fund for Transportation Initiatives ("Fund"), which shall be administered by the Director of the District Department of Transportation and which shall be used by the District Department of Transportation to pay for goods, services, property, capital improvements, or for any other permitted purpose as authorized by §§ 50-921.02(f) and 50-912.04 and to pay into the Highway Trust Fund.

(b) All revenue from the following shall be deposited into the Fund, beginning October 1, 2011:

(1) Fines from the enforcement of truck safety and size, weight, and noise regulations;

(2) Advertisements on multispace parking meter receipts;

(3) Repealed;

(4) Public inconvenience fees, described in 24 DCMR § 225.1(c);

(5) Fees related to car sharing after the first $270,000 in revenue per fiscal year.

(6) Loading zone management program revenue, including:

(A) The commercial permit parking pass revenue;

(B) Commercial permit parking fees;

(C) Other related citations and fines;

(7) Any other revenues, including grants or gifts, as may from time-to-time be dedicated to the Fund; and

(8) Matching funds from private nonprofit organizations for the 5310 Program pursuant to § 50-921.02(f).

(c) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(May 21, 2002, D.C. Law 14-137, § 9e, as added Apr. 8, 2011, D.C. Law 18-370, § 626(c), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 6052, 58 DCR 6226; Mar. 19, 2013, D.C. Law 19-234, § 2(b), 59 DCR 14772; Mar. 19, 2013, D.C. Law 19-241, § 2(b), 59 DCR 14794.)

Section references. — This section is referenced in § 50-921.04.

Effect of amendments.
The 2013 amendment by D.C. Law 19-234

repealed (b)(3), which read: "Advertisements on elements of the bikeshare system, including bicycles and stations".

The 2013 amendment by D.C. Law 19-241 substituted "§§ 50-921.02(f) and 50-921.04" for "§ 50-921.04" in (a); added (b)(8); and made related changes.

Temporary legislation. — Section 2(b) of D.C. Law 19-198 repealed (b)(3).

Section 2(c) of D.C. Law 19-198 added D.C. 14-137, § 9f to read as follows:

"Sec. 9f. Bicycle Sharing Fund.

"(a) There is established as a nonlapsing, special purpose revenue fund the Bicycle Sharing Fund ('Fund'). The Fund shall be administered by the Director of the District Department of Transportation and used to pay for goods, services, and property and for any other purpose under the Bike Sharing program established pursuant to section 5(2)(K).

"(b) All revenue related to the Bike Sharing program, from whatever source derived, shall be deposited into the Fund as of the effective date of this section.

"(c) All funds deposited into the Fund and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress."

Section 5(b) of D.C. Law 19-198 provided that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 19-208 amended this section as follows:

(1) Subsection (a) is amended by striking the phrase "section 5" and inserting the phrase "sections 3(f) and 5" in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (6)(C) is amended by striking the phrase "fines; and" and inserting the phrase "fines;" in its place.

(B) Paragraph (7) is amended by striking the phrase "Fund." and inserting the phrase "Fund; and" in its place.

(C) A new paragraph (8) is added to read as follows: "(8) Matching funds from private nonprofit organizations for the 5310 Program pursuant to section 3(f)."

Section 4(b) of D.C. Law 19-208 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary (90 day) amendment of section, see § 2(b) of District Department of Transportation Bicycle Sharing Fund Emergency Amendment Act of 2012 (D.C. Act 19-424, July 27, 2012, 59 DCR 9375).

For temporary (90 day) addition of section, see § 2(c) of District Department of Transportation Bicycle Sharing Fund Emergency Amendment Act of 2012 (D.C. Act 19-424, July 27, 2012, 59 DCR 9375).

For temporary amendment of (a) and (b), see § 2(b) of the District Department of Transportation Accessible Vehicles Fund Emergency Amendment Act of 2012 (D.C. Act 19-465, October 4, 2012, 59 DCR 11764).

Legislative history of Law 19-234. — See note to § 50-921.04.

Legislative history of Law 19-241. — See note to § 50-921.02.

§ 50-921.14. District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund.

(a) There is established the District Department of Transportation Parking Meter Pay- by-Phone Transaction Fee Fund ("Fund"), which shall be administered by the Director of the District Department of Transportation and used by the District Department of Transportation to pay the vendor responsible for maintaining the parking meter pay-by-phone payment system.

(b) Notwithstanding § 50-2603(8), all transaction fees added to the parking meter fees imposed upon users who pay for parking with the pay-by-phone system shall be deposited into the Fund beginning October 1, 2012.

(May 21, 2002, D.C. Law 14-137, § 9f, as added Sept. 20, 2012, D.C. Law 19-168, § 6002, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.02.

§ 50-921.15. Sustainable Transportation Fund.

(a) There is established as a nonlapsing fund the Sustainable Transportation Fund ("Fund"), which shall be administered by the Director of the District Department of Transportation and be used by the District Department of Transportation on approved capital projects for bus-operating enhancements, including:

(1) Unfunded recommendations in WMATA Bus Line Studies and WMATA Service Evaluations; and

(2) Other investments determined by the Mayor to enhance bus transit operational efficiency and customer service within the District of Columbia.

(b) Fees collected for the parking of vehicles where meters or devices are installed shall be deposited into the Fund in accordance with § 50-2603(8)(C).

(c) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(May 21, 2002, D.C. Law 14-137, § 9g, as added Sept. 20, 2012, D.C. Law 19-168, § 6024(b), 59 DCR 8025.)

Section references. — This section is referenced in § 50-2603.

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Temporary Addition of Section. — Section 2 of D.C. Law 19-212 added D.C. Law 14-137, § 9h, to read as follows:

"Sec. 9h. Parking Meter Fund.

"(a) For fiscal year 2013, there is established as a lapsing, special purpose revenue fund the Parking Meter Fund ("Fund"). The Fund shall be administered by the Director of the District Department of Transportation and used for the following purposes:

"(1) To pay for the maintenance of parking meters in the District; and

"(2) To provide the local match for a Federal Highway Administration grant for performance parking.

"(b) Notwithstanding section 9g and section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)), a total of $2.9 million in parking meter revenue shall be deposited into the Fund as of the effective date of this section."

Section 4(b) of D.C. Law 19-212 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary addition of D.C. Law 14-137, § 9g, concerning the Parking Meter Fund, see § 2 of the District Department of Transportation Parking Meter Fund Establishment Emergency Amendment Act of 2012 (D.C. Act 19-476, October 9, 2012, 59 DCR 12101).

Legislative history of Law 19-168. — See note to § 50-921.02.

§ 50-921.16. Bicycle Sharing Fund.

(a) There is established as a nonlapsing, special purpose revenue fund the Bicycle Sharing Fund ("Fund"). The fund shall be administered by the Director of the District Department of Transportation and used to pay for goods,

services, property and for any other purpose under the Bike Sharing program established pursuant to section 50-921.04(2)(K).

(b) All revenue related to the Bike Sharing program, from whatever source derived, shall be deposited into the Fund as of March 19, 2013.

(c) All funds deposited into the Fund, including any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(May 21, 2002, D.C. Law 14-137, § 9f [9h], as added Mar. 19, 2013, D.C. Law 19-234, § 2(c), 59 DCR 14772.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-234 added this section.

Legislative history of Law 19-234. — See note to § 50-921.04.

Subchapter II. DC Circulator Bus Service.

§ 50-921.38. Jurisdiction expansion and evaluation.

Editor's notes. — D.C. Law 19-168, § 3012, added Title IV, consisting of §§ 11h to 11k, to D.C. Law 14-137. D.C. Law 14-137, § 11h, as added by D.C. Law 19-168, , is codified as 50-921.51

Subchapter III. Capital Project Review and Reconciliation.

§ 50-921.51. Definitions.

For the purposes of this subchapter, the term:

(1) "CFO" means the Chief Financial Officer of the District of Columbia.

(2) "Director of Capital Programs" means the Director of Capital Programs within the Office of Budget and Planning of the Office of the Chief Financial Officer.

(3) "Inactive" means that no nonpersonal service funds have been obligated or expended for a capital project during the immediately preceding months.

(4) "Local Streets Ward-Based Capital Projects" means the District Department of Transportation's 8 local streets ward-based capital projects (Project No. SR301-SR308), which endeavor to preserve, maintain, repair, or replace the District's sidewalks, curbs, and local roads.

(May 21, 2002, D.C. Law 14-137, § 11h [11i], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.02.

Editor's notes. — D.C. Law 19-168, § 9002,

added Title IV, consisting of §§ 11h to 11k, to D.C. Law 14-137.

Section 11h of D.C. Law 14-137, as added by D.C. Law 19-168, § 9002, is codified as this section.

Section 11h of D.C. Law 14-137, as added May 27, 2010, by D.C. Law 18-182, § 2(b), 57 DCR 3404, is codified as § 50-921.38.

§ 50-921.52. Criteria for closing capital projects.

(a) For any capital project funded from revenues in the Local Transportation Fund, the CFO, in consultation with the Mayor, may close the project if the project:

(1) Has obligated or expended funds in excess of its approved budget; or

(2) Has been inactive for 12 months or longer.

(b) For any capital project funded from revenues in the District of Columbia Highway Trust Fund, the CFO, in consultation with the Mayor and the Federal Highway Administration Division, may close the project if the project:

(1) Has been closed by the United States Department of Transportation;

(2) Has an open balance of:

(A) $500,000 or more, and has been inactive for 12 months;

(B) Between $50,000 and $499,999, and has been inactive for 24 months; or

(C) Less than $50,000, and has been inactive for 36 months; or

(3) Has obligated or expended funds in excess of its approved budget.

(c) If a capital project has a budget allotment in excess of its budget authority, the CFO, in consultation with the Mayor, may adjust the allotment to align it with the correct budget authority.

(d) The CFO may delegate the authority granted to him or her by this section to the Director of Capital Programs.

(May 21, 2002, D.C. Law 14-137, § 11i [11j], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

Section references. — This section is referenced in § 50-921.53.

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.51.

Editor's notes. — Section 11h of D.C. Law 14-137, as added as added by D.C. Law 19-168, § 3012, is codified as § 50-921.51.

§ 50-921.53. Use of funds resulting from closure.

(a) Funds resulting from the closure of a capital project pursuant to § 50-921.52(a) shall be allocated to restore funding to the Pedestrian and Bicycle Safety Enhancement Fund, established by § 1-325.131, up to an annual level of $1.5 million and then equally among the Local Streets Ward-Based Capital Projects.

(b) Funds resulting from the closure of capital projects pursuant to section 50-921.52(b) shall be allocated to the Federal Highway Administration capital projects approved for the current fiscal year as part of that year's Budget Request Act.

(May 21, 2002, D.C. Law 14-137, § 11j [11k], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.51.

§ 50-921.54. Quarterly summary.

The CFO shall submit to the Mayor and the Council a quarterly summary of all capital project closures conducted pursuant to this subchapter.

(May 21, 2002, D.C. Law 14-137, § 11k [11l], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.51.

Editor's notes. — Section 9012 of D.C. Law 19-168 provided that beginning October 1, 2012, the Mayor shall submit to the Council, on a quarterly basis, a report certified by the Chief Financial Officer of the District of Columbia providing the lists of the projects or accounts to which any budget obligations or cash expenditures have been charged or reclassified under the Office of Contracting and Procurement's Article 3 provision for emergency approval of expenditures for the District Department of Transportation. The quarterly reports shall include documentation of sufficient capital budget to support the obligations or expenditures.

Chapter 10. Driver License Compact.

§ 50-1001. Adopted.

Temporary Addition of Section. — Section 2 of D.C. Law 19-213 added D.C. Law 5-184, § 2a, to read as follows:

"Sec. 2a. Reinstatement of revoked licenses.

"(a) Within 15 days of the effective date of the Reckless Driving Emergency Amendment Act of 2012, effective September 21, 2012 (D.C. Act 19-451; 59 DCR 11095), the Mayor shall complete a review of each individual whose license is currently revoked or in the process of being revoked as the result of a reckless, careless, hazardous, or aggressive driving conviction in a foreign jurisdiction.

"(b) When conducting a review under this section, the Mayor shall immediately reinstate an individual's license and reduce the points assessed for the conviction in a foreign jurisdiction from 12 to 2 unless the Mayor:

"(1) Determines that the conduct upon which the foreign conviction is based would have constituted all the elements of reckless driving under section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04), if the offense had been committed in the District;

"(2) Determines that the conduct upon which the foreign conviction is based is of a substantially similar nature to a District offense or violation and, after assessing against the license the number of points for that offense or violation, the total number of points assessed against the license is 12 or greater; or

"(3) Cannot determine whether the conduct upon which the foreign conviction is based would have constituted reckless driving or another offense or violation under District law, and after assessing against the license 2 points, the total number of points assessed against the license is 12 or greater.

"(c)(1) Within 7 days after the completion of the review required by this section, the Mayor shall notify the individual of the Mayor's determination.

"(2) Within 10 days of receiving notice under paragraph (1) of this subsection, an individual may request a hearing to contest the determination of the Mayor.

"(3) The Mayor shall schedule a hearing within 5 days of an individual's request for a hearing.

"(4) Within 5 days after a hearing, the Mayor shall issue a final decision.

"(5) The Mayor shall bear the burden of proof to establish by clear and convincing evidence that revocation or assessment of points is appropriate."

Section 4(b) of D.C. Law 19-213 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary addition of D.C. Law 5-184, § 2a, concerning

reinstatement of revoked licenses, see § 2 of the Reckless Driving Emergency Amendment Act of 2012 (D.C. Act 19-451, September 21, 2012, 59 DCR 11095).

Chapter 13. Motor Vehicle Owners and Operators Responsibility.

Subchapter II. Administration of Chapter

Subchapter II. Administration of Chapter.

§ 50-1301.07. Service of process on nonresident.

(a) The operation by a nonresident or by his agent of a motor vehicle on any public highway of the District of Columbia shall be deemed equivalent to an appointment by such nonresident of the Mayor or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceedings against such nonresident growing out of any accident or collision in which said nonresident or his agent may be involved while operating a motor vehicle on any such public highway, and said operation shall be a signification of his agreement that any such process against him, which is so served, shall be of the same legal force and validity as if served upon him personally in the District of Columbia. Service of such process shall be made by leaving a copy of the process with a fee of $2 in the hands of the Mayor or in his office, and such service shall be sufficient service upon the said nonresident; provided, that notice of such service and a copy of the summons and complaint are forthwith sent by certified mail without return receipt requested by the plaintiff, or his attorney, to the defendant at his last known address. The plaintiff has a duty to exercise due diligence in the investigation of the last known address of the defendant. The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least 20 days shall have elapsed after attempted service upon the defendant, as hereinabove provided, of a copy of the process and notice of service of said process upon the Mayor.

(b) For the purposes of this section:

(1) The term "operation" as used in connection with a motor vehicle includes any use as well as any operation of such vehicle.

(2) The term "nonresident" shall include any person who is not a resident of the District of Columbia and who was the owner or operator of a motor vehicle at the time such vehicle was involved in an accident or collision in the District of Columbia, and includes any such person who was a resident of the District of Columbia at the time such motor vehicle was involved in such accident or collision but who subsequently became a nonresident of the District of Columbia and is a nonresident thereof at the time process is sought to be served on him as a result of such accident or collision.

(c) The appointment of the Mayor or his successor in office to be the true and

lawful attorney for such nonresident as provided by this section shall be irrevocable and binding upon the executor, administrator, or other personal representative of such nonresident. Where a nonresident has been served in accordance with this section and he dies thereafter, the court must allow the action to be continued against his executor, administrator, or other personal representative upon motion, and with such notice as the court deems proper. Except as otherwise provided in the 2 preceding sentences, service of process may be made on the executor, administrator, or other personal representative of a nonresident in the same manner as is provided in this section in the case of a nonresident.

(May 25, 1954, 68 Stat. 123, ch. 222, § 7; Aug. 28, 1958, 72 Stat. 954, Pub. L. 85-792, § 4; Mar. 19, 2013, D.C. Law 19-242, § 2, 59 DCR 14936.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-242 rewrote (a).

Legislative history of Law 19-242. — Law 19-242, the "Alternative Service of Process Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-752. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-563 and transmitted to Congress for its review. D.C. Law 19-242 became effective on Mar. 19, 2013.

Subchapter V. Proof of Financial Responsibility.

§ 50-1301.37. Suspension of license and registration for certain convictions; effect of proof of financial responsibility; vehicles owned or leased by the United States, a state, or a political subdivision thereof; suspension for foreign convictions.

Emergency legislation.

For temporary amendment of (a), see § 306 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

Chapter 14. Operators' Permits and Identification Cards.

Subchapter I. General

Subchapter I. General.

§ 50-1401.01. Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors.

(a)(1) The Mayor is authorized to issue a new or renewed motor vehicle operator's permit, valid for a period not to exceed 8 years plus any time period prior to the expiration date of a previous license not to exceed 2 months, to any individual 17 years of age or older, subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of $30, which may be increased by the Mayor to compensate the District for processing and evaluating the application and issuing the permit. Alternatively, the Mayor is authorized to prorate existing fees to correspond to the duration of the license issued.

(B) The applicant shall demonstrate that he or she is mentally, morally, and physically qualified to operate a motor vehicle in a manner not to jeopardize the safety of individuals or property. The Mayor shall determine whether an applicant is qualified through:

(i) An examination of the applicant's knowledge of the traffic regulations of the District;

(ii) A practical demonstration, or evidence acceptable to the Mayor of the applicant's ability to operate a motor vehicle within any portion of the District, except that upon renewal of an operator's permit or upon the application of an individual who meets the criteria set forth in subparagraph (C) of this paragraph, the examination and demonstration may be waived in the discretion of the Mayor; and

(iii) Any other criteria as the Mayor may establish.

(C) An applicant under the age of 21, shall meet the following additional qualifications in addition to the qualifications in subparagraph (B) of this paragraph:

(i) The applicant shall be the holder of a valid provisional permit issued at least 6 months prior to the application in accordance with paragraph (2A) of this subsection;

(ii) The applicant shall not have admitted to, been liable for, or convicted of an offense for which points may be assessed during the 12 consecutive month period immediately preceding the application; and

(iii) The applicant shall have received 10 hours of nighttime driving experience, as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and has accompanied the applicant while the applicant was operating the motor vehicle.

(D) No permittee under the age of 18 shall:

(i) Operate a motor vehicle occupied by more than 2 passengers under the age of 21, except that this restriction shall not apply to a passenger who is a sibling of the permittee;

(ii) Operate a motor vehicle in which the permittee or any passenger fails to wear a seat belt; or

(iii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older and who is occupying a seat beside the permittee; or

(iv) Operate a motor vehicle other than a passenger vehicle or motorized bicycle used solely for the purposes of pleasure and not for compensation.

(2) The Mayor is authorized to issue a new or renewed learner's permit valid for 1-year to any individual 16 years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of $15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit.

(B) The applicant shall have successfully passed all parts of the examination other than the driving demonstration test; and

(C) No holder of a learner's permit shall:

(i) Operate a motor vehicle except for a passenger vehicle used solely for pleasure;

(ii) Operate a motor vehicle for compensation;

(iii) Operate a motor vehicle unless while under the instruction of and accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying a seat beside the permittee, and wearing a seat belt; and

(iv) Operate a motor vehicle except during the hours of 6 a.m. and 9 p.m.

(2A) The Mayor is authorized to issue a new or renewed provisional motor vehicle operator's permit, valid for a period not to exceed 1-year, to any individual 16 and ½ years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of $15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit;

(B) The applicant shall satisfy the qualification requirements set forth in subsection (a)(1)(B) of this section and:

(i) Shall be the holder of a valid learner's permit issued at least 6 months prior to the application for a provisional permit;

(ii) Shall not have admitted to, been found liable for, or been convicted of an offense for which points may be assessed in the last 6 months; and

(iii) Shall have received 40 hours of driving experience as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and who has accompanied the applicant while the applicant was operating the motor vehicle.

(C) No holder of a provisional permit shall:

(i) Operate a motor vehicle occupied by any passengers other than one holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying the seat beside the permittee, and wearing a seat belt, and any other passenger who is a sibling or parent of the permittee; or

(ii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older, wearing a seat belt, and occupying a seat beside the permittee.

(2B) Notwithstanding the provision of subsection (a)(1)(C), (a)(2)(B), and (a)(2A) of this section, a person under the age of 21 who holds a valid motor vehicle permit from another jurisdiction shall be eligible for a comparable District of Columbia driver's permit, provided that the permittee's operation of a motor vehicle shall be subject to the applicable restrictions set forth in subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C) of this section.

(2C) Penalties:

(A) Any violation of the permit restrictions set forth [in] subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C) of this section, in addition to any other penalties that may be imposed by law, shall result in the suspension of the permits issued pursuant to subsection (a)(1)(C), (a)(2), or (a)(2A) and the addition of a period of time equal to the period of permit suspension to the requirements set forth in (a)(1)(C)(i) and (a)(2A)(B)(i) as follows:

(i) The first offense shall result in a suspension of 30 days;

(ii) The second offense shall result in suspension of 60 days; and

(iii) The third and subsequent offenses shall result in a suspension of 90 days.

(B) The Mayor shall notify, in writing, the parent or legal guardian of a permittee who is under 18 years of age and who violates subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C);

(2D) Operator's permits subject to the provisions of this subchapter, including a learner's permit, provisional permit and operator's permit, shall be visually distinguishable pursuant to rules promulgated by the Department of Motor Vehicles.

(3) Any pupil 15 years of age or over enrolled in a high school or junior high school driver education and training course approved by the Mayor or his designated agent may, without obtaining either an operator's or a learner's

permit, operate a dual control motor vehicle between the hours of 6 a.m. and 11 p.m., where the pupil is under instruction and accompanied by a licensed motor vehicle driving instructor; provided, that such instructor shall at all times while he is engaged in such instruction have on his person a certificate from the principal or other person in charge of such school, stating that such instructor is officially designated to instruct pupils enrolled in such course, and whenever demand is made by a police officer such instructor shall display to him such certificate.

(3A) Notwithstanding the passenger restrictions set forth in subsection (a)(1)(D), (a)(C)(iii), and (a)(2A)(C)(iii) of this subsection, a permittee who is enrolled in a driver education course may operate a motor vehicle containing a greater number of passengers while the permittee is under the instruction of and accompanied by a licensed motor vehicle driving instructor provided that the other passengers are also receiving driving instruction.

(4) In the event an operator's permit, learner's permit, or a provisional permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason, other than through error or other act of the Mayor, not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement operator's permit upon payment of a fee of $20, or such person may obtain a duplicate or replacement learner's permit, or replacement provisional permit upon payment of a fee of $20.

(5) Enlisted men of the Army, Navy, Air Force, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in official business, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a government vehicle and are qualified to drive, and upon proving to the satisfaction of the Director of the Department of Transportation that they are familiar with the traffic regulations of the District of Columbia.

(5A)(A) Except as provided in subparagraph (C) of this paragraph, any eligible United States citizen or resident who is at least 18 years of age but no more than 26 years of age shall be registered with the Selective Service System, in compliance with the requirements of 50 U.S.C. App. § 453, when applying for an operator's permit or identification card pursuant to the laws of the District.

(B) The Director of the Department of Motor Vehicles ("Department") shall forward, in an electronic format, the personal information required of the applicant identified in subparagraph (A) of this paragraph to the Selective Service System for registration. The Department shall notify the applicant on the application for an operator's permit or an identification card that submitting the application serves as consent to register with the Selective Service System, in compliance with federal law.

(C) The Director of the Department of Motor Vehicles shall make available a form, separate from the application, which shall indicate that the applicant has chosen not to use the operator's permit or identification card application as a means of registering with the Selective Service System ("waiver form"). The waiver form shall state the effects of failure to register and the programs that condition eligibility upon registration with the Selective

Service System. Applicants shall be informed that the waiver form is available upon request. The waiver form shall also state the civil and criminal penalties for failure to register for Selective Service. Failure to submit the waiver form is form shall be deemed affirmative proof that the applicant authorizes the Director of the Department to forward to the Selective Service System the information necessary to complete registration on behalf of the applicant. The waiver form, after completion, shall be added to the applicants file.

(D) This form shall comply with the requirements of subchapter II of Chapter 31 of Title 2 [§ 2-1931 et seq.] including being printed in each required language under § 2-1933.

(E) An applicant's submission of the waiver form specified in subparagraph (C) of this paragraph shall not be treated as grounds for denial of an application for an operator's permit or an identification card.

(F) The Director of the Department shall not forward to the Selective Service System the personal information of an individual who completes and submits the waiver form described in subparagraph (C) of this paragraph.

(6) Notwithstanding the provisions of this subsection, the Mayor or his designated agent may, upon compliance with such regulations as the Mayor may prescribe, extend for a period not in excess of 6 years the validity of the operator's permit of any person who is a resident of the District and who is on active duty outside the District in the armed forces or the Merchant Marine of the United States and who was at the time of leaving the District the holder of a valid operator's permit.

(a-1)(1) The Mayor and the Board of Elections and Ethics shall jointly develop an application form and a change of name and address form by January 1, 1989, which shall allow an applicant wishing to register to vote to do so by the use of a single form containing the necessary information for voter registration and the information required for the issuance, renewal, or correction of the applicant's driver's permit or identification card.

(2) Commencing not later than May 1, 1989, the Mayor shall provide each qualified elector who applies for the issuance, renewal, or correction of any type of driver's permit or for an identification card an opportunity to complete an application to register to vote by use of a single form containing the necessary required information for the issuance, renewal, or correction of the driver's permit or identification card.

(3) The Mayor shall forward all new applications to the Board of Elections and Ethics within 10 days of receipt.

(4) Applications received from the Mayor shall be considered received by the Board of Elections and Ethics as of the date the application was made.

(b)(1) Each operator's permit shall state the name and address, and bear the signature of the permittee, together with any additional information that the Mayor may by regulation prescribe. Pursuant to 42 U.S.C. § 405(c)(2)(C)(vi), the Mayor shall use a randomly generated number as the identification number on any new or renewed license.

(2) The Mayor shall require an applicant for an operator's permit to provide a social security number, if such a number was issued to the applicant, or, if required by the Mayor, proof that the applicant is not eligible for a social

security number, for the purposes of administering and enforcing the laws of the District of Columbia. Notwithstanding any other provision of law, the social security number or other tax identification number shall not be a matter of public record. The social security number shall be kept on file with the issuing agency and the applicant shall be so advised.

(c) Any individual to whom a license or permit to operate a motor vehicle has been issued shall have the license or permit in his or her immediate possession at all times while operating a motor vehicle in the District of Columbia and shall exhibit the license or permit to any police officer upon demand. Any person who fails to comply with the requirements of this subsection shall, upon conviction, be fined not less than $10 nor more than $50.

(d) No individual shall operate a motor vehicle in the District, except as provided in § 50-1401.02, without first having obtained an operator's permit, learner's permit, provisional permit, or a motorcycle endorsement if operating a motorcycle, issued under the provisions of this subchapter and Title 18 of the District of Columbia Municipal Regulations. Except as provided in subsection (d-1) of this section, any individual violating any provision of this subsection shall be fined not more than $300 or shall be imprisoned not more than 90 days.

(d-1) Any individual who operates a motor vehicle with a District of Columbia permit expired for not more than 90 days shall be subject to a civil fine of not more than $100 pursuant to §§ 50-2301.04(b) and 50-2301.05, and shall not be subject to the criminal penalties contained in subsection (d) of this section.

(e) Nothing in this subchapter shall relieve any individual from compliance with § 47-2829(e).

(f) For purposes of this section and §§ 50-1401.02 and 50-1403.01, the term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by § 50-2201.02(12A), or a battery-operated wheelchair when operated by a person with a disability.

(g) [Expired].

(Mar. 3, 1925, 43 Stat. 1121, ch. 443, § 7; July 3, 1926, 44 Stat. 812, ch. 739, § 2; Feb. 18, 1929, 45 Stat. 1226, ch. 258; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 2; June 20, 1939, 53 Stat. 850, ch. 231; Nov. 25, 1942, 56 Stat. 1023, ch. 642, § 2; Dec. 15, 1944, 58 Stat. 806, ch. 589, § 1; Apr. 20, 1948, 62 Stat. 173, ch. 215, §§ 1, 2; Aug. 16, 1954, 68 Stat. 732, ch. 741, §§ 1, 2, 3, 4, 5; July 24, 1956, 70 Stat. 633, ch. 695, § 2; Oct. 3, 1962, 76 Stat. 710, Pub. L. 87-737, § 1; Mar. 18, 1964, 78 Stat. 167, Pub. L. 88-287, § 1; Oct. 31, 1969, 83 Stat. 174, Pub. L. 91-106, title IV, § 405; Apr. 7, 1977, D.C. Law 1-110, § 4, 23 DCR 8740; Apr. 26, 1977, D.C. Law 1-133, title II, § 201(b), 23 DCR 9697; Sept. 12, 1978, D.C. Law 2-104, § 601, 25 DCR 1275; Oct. 8, 1981, D.C. Law 4-36, § 2, 28 DCR 3383; Apr. 3, 1982, D.C. Law 4-97, § 6, 29 DCR 765; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; Mar. 15, 1985, D.C. Law 5-176, § 12(b), 32 DCR 748; Sept. 27, 1985, D.C. Law 6-38, § 3, 32 DCR 4307; Feb. 28, 1987, D.C. Law 6-194, § 3,

34 DCR 479; Sept. 29, 1988, D.C. Law 7-155, § 2, 35 DCR 5718; Aug. 17, 1991, D.C. Law 9-30, § 4(b), 38 DCR 4215; Sept. 20, 1995, D.C. Law 11-48, § 5, 42 DCR 3627; May 24, 1996, D.C. Law 11-124, § 2, 43 DCR 1546; Apr. 5, 2000, D.C. Law 13-73, § 2, 46 DCR 10417; Apr. 5, 2000, D.C. Law 13-74, § 2, 46 DCR 10423; Apr. 12, 2000, D.C. Law 13-91, § 150, 47 DCR 520; Apr. 27, 2001, D.C. Law 13-289, § 401(b), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 10(d), 49 DCR 9788; Apr. 5, 2005, D.C. Law 15-289, § 2(b), 52 DCR 1446; Apr. 8, 2005, D.C. Law 15-307, § 205(a), 52 DCR 1700; Mar. 6, 2007, D.C. Law 16-224, § 101(c), 53 DCR 10225; Mar. 14, 2007, D.C. Law 16-279, §§ 202(c), 401(b), 54 DCR 903; Aug. 16, 2008, D.C. Law 17-219, § 6011, 55 DCR 7598; Sept. 14, 2011, D.C. Law 19-21, § 6002, 58 DCR 6226; Oct. 23, 2012, D.C. Law 19-189, § 2, 59 DCR 10156.)

Section references. — This section is referenced in § 16-801, § 25-1009, § 50-1401.02, § 50-1403.02, and § 50-2302.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-189 rewrote (a)(5).

Legislative history of Law 19-189. — Law 19-189, the "Access to Selective Service Registration Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-330. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on August 9, 2012, it was assigned Act No. 19-443 and transmitted to Congress for its review. D.C. Law 19-189 became effective on Oct. 23, 2012.

Editor's notes.

Section 3 of D.C. Law 19-189 provided that the act shall apply as of January 1, 2013.

§ 50-1401.01b. Prohibition on release and use of certain personal information from motor vehicle records and accident reports.

(a) For the purposes of this section, the term:

(1) "Accident report" means any record prepared as a result of a vehicular accident, also known as the Metropolitan Police Department Form PD-10.

(2) "Motor vehicle record" means any record that pertains to a motor vehicle operator's application, permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Motor Vehicles.

(3)(A) "Personal information" shall include an individual's photograph or image, social security number, driver identification number or identification card number, name address, telephone number, medical or disability information, and emergency contact information.

(B) The term "personal information" shall not include information relating to vehicular crashes, driving violations, or driver status.

(b) Except as provided in subsections (c), (d) and (e) of this section, the Department of Motor Vehicles ("Department"), the Metropolitan Police Department, and any officer, employee, or contractor affiliated with either department, or any other person or entity shall not knowingly disclose or otherwise make available personal information about an individual obtained by the Department of Motor Vehicles or the Metropolitan Police Department in connection with a motor-vehicle record or an accident report.

(c) Personal information contained in motor vehicle records or accident reports prohibited from disclosure by subsection (b) of this section may be

released to a person upon the showing of sufficient written proof for the following uses:

(1) To carry out the purposes of Titles I and IV of the Anti Car Theft Act of 1992, approved October 25, 1992 (106 Stat. 3384; 49 U.S.C. § 30501 et seq. 49 U.S.C. § 33101 et seq.); the Automobile Information Disclosure Act, approved July 7, 1958 (72 Stat. 325; 15 U.S.C. § 1231 et seq.), the Clean Air Act, approved December 17, 1963 (77 Stat. 392; 42 U.S.C. § 7401 et seq.), and chapters 301, 305, and 321-331 of Title 49 of the United States Code (49 U.S.C. § 30101 et seq., 49 U.S.C. § 30501 et seq., 49 U.S.C. § 32101 et seq. through 49 U.S.C. § 33101 et seq.), in connection with matters of:

(A) Motor vehicles or driver safety and theft;

(B) Motor vehicle emissions;

(C) Motor vehicle product alterations, recalls, or advisories;

(D) Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and

(E) Removal of non-owner records from the original owner records of motor vehicle manufacturers;

(2) By any government agency, including any court or law enforcement agency, in carrying out its core functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its core functions;

(3) In the normal course of business by a legitimate business or its agents, employees, or contractors, but only to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors;

(4) For use in connection with an actual or contemplated civil, criminal, administrative, or arbitral proceeding in a court or agency, or before a self-regulatory body for any of the following, except that the use shall not include the solicitation of clients, prohibited by § 22-3225.14:

(A) A person listed on the accident report;

(B) Service of process by a certified process server, special process server, or other person authorized to serve process in the District;

(C) For an accident report, an investigation in anticipation of litigation by an attorney representing a person or entity involved in the motor vehicle accident and licensed to practice law in the District or any other United States jurisdiction, or the agent of the attorney;

(D) For a motor vehicle record, an investigation in anticipation of litigation by an attorney licensed to practice law in the District or any other United States jurisdiction, or the agent of the attorney;

(E) Execution or enforcement of judgments and orders; and

(F) Compliance with a court order;

(5) In research activities and for use in producing statistical reports; so long as the personal information is not published, re-disclosed, or used to contact individuals;

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims of investigation activities, anti-fraud activities, rating, or underwriting;

(7) In providing notice to the owners of towed or impounded vehicles;

(8) For use by a licensed private investigative agency or licensed security service for a purpose permitted under this subsection; provided, that the use shall not include the solicitation of clients, prohibited by § 22-3225.14. Personal information obtained based on an exempt driver's record may not be provided to a client who cannot demonstrate a need based on a permitted use under this subsection;

(9) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license required under 49 U.S.C. § 31301 et seq.;

(10) For bulk distribution for surveys, marketing, or solicitations when the department has obtained the express consent of the person to whom such personal information pertains;

(11) By an organ or tissue donor organization; provided, that the person to whom such information applies has consented in a writing submitted to the Department to be an organ or tissue donor;

(12) For any use if the requesting person demonstrates that he or she has obtained the written consent of the person who is the subject of the motor vehicle record or accident report. The consent shall remain in effect until it is revoked by the person who is the subject of the motor vehicle record; and

(13) For use in connection with the operation of private toll transportation facilities.

(d) Notwithstanding subsection (c) of this section, without the express consent of the person to whom such information applies, the following information contained in motor vehicle records or accident reports may be released only as specified in this subsection:

(1) Social security numbers may be released only as provided in subsections (c)(2) or (c)(9) of this section;

(2) An individual's photograph or image may be released only as provided in subsection (c)(2) of this section;

(3) Medical disability information may be released only as provided in subsections (c)(2) or (c)(9) of this section; and

(4) Emergency contact information may be released only to law enforcement agencies for the purposes of contacting individuals listed in the event of an emergency.

(e) (1) Personal information made confidential and prohibited from disclosure may be disclosed by the Department to a firm, corporation, or similar business entity whose primary business interest is to resell or re-disclose the personal information to persons who are authorized to receive such information. Before the Department's disclosure of personal information, such firm, corporation, or similar business entity must first enter into a contract with the Department regarding the care, custody, and control of the personal information to ensure compliance with the Driver's Privacy Protection Act of 1994, approved September 13, 1994 (108 Stat. 2099; 18 U.S.C. § 2721 et seq.), and applicable District laws.

(2) An authorized recipient of personal information contained in a motor vehicle record, except a recipient under subsection (c)(10) of this section, may contract with the Department of Motor Vehicles to resell or re-disclose the

information for any use permitted under this section. However only authorized recipients of personal information under subsection (c)(10) of this section may resell or re-disclose personal information pursuant to subsection (c)(10) of this section.

(3) An authorized recipient who resells or re-discloses personal information shall maintain, for a period of 5 years, records identifying each person or entity that receives the personal information and the permitted purpose for which it will be used. The records shall be made available for inspection upon request by the Department.

(4) The Department of Motor Vehicles and the Metropolitan Police Department may require documentation to support a request for personal information, and either department shall have the sole discretion to determine whether the documentation provided is sufficient to support the request.

(f) The Department of Motor Vehicles and the Metropolitan Police Department may adopt rules to carry out the purposes of this section. Rules adopted by either department may provide for the payment of applicable fees. In addition, the rules may require an individual requesting the disclosure of personal information pursuant to this subsection to provide proof of identity and, to the extent required, provide assurance that the use will be only as authorized or that the consent of the person who is the subject of the personal information has been obtained. These conditions may include the making and filing of a written application in a form and containing information and certification requirements required by either department.

(g) Failure to comply with the restrictions set forth in this section may subject the violator to penalties and civil action as set forth in the Driver's Privacy Protection Act of 1994, approved September 13, 1994 (108 Stat. 2099; 18 U.S.C. §§ 2721, 2723, 2724).

(Mar. 3, 1925, 43 Stat. 1121, ch. 433, § 7b, as added Mar. 5, 2013, D.C. Law 19-207, § 3, 59 DCR 12507.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-207 added this section.

Emergency legislation. — For temporary amendment of section, see § 512 of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

Legislative history of Law 19-207. — Law 19-207, the "Driver Privacy Protection Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-671. The Bill was adopted on first and second readings on June 26, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Oct. 23, 2012, it was assigned Act No. 19-487 and transmitted to Congress for its review. D.C. Law 19-207 became effective on Mar. 5, 2013.

§ 50-1401.02. Exemptions.

(a) The owner or operator of any motor vehicle who is not a legal resident of the District of Columbia, and who has complied with the laws of any state, territory, or possession of the United States, or of a foreign country or political subdivision thereof, shall, subject to the provisions of this section, be exempt for a continuous 30 day period immediately following the entrance of such owner or operator into the District of Columbia from compliance with § 50-1401.01 and § 50-1501.02. The 30-day exemption period shall not apply to

commercial motor vehicles required to obtain a permit, as provided by § 50-1507.03 or charter busses identified in § 50-1501.02(j).

(b) Upon expiration of the 30 day exemption period, the owner or operator of any motor vehicle shall be required either:

(1) To comply with the provisions of §§ 50-1401.01 and 50-1501.02 and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia; or

(2) To purchase, from the Mayor or his designated agent, a reciprocity sticker which shall be valid 180 days from the date of its issuance if the owner or operator has complied with the motor vehicle registration and licensing laws of the state, territory, or possession of the United States, or of a foreign country or political subdivision thereof, of which the owner or operator is a legal resident and the owner or operator is not a legal resident of the District of Columbia. Upon expiration of the reciprocity sticker, the owner or operator who continues to reside in the District of Columbia shall be required to comply with §§ 50-1401.01 and 50-1501.02 and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia.

(c) The following persons shall, if they have complied with the motor vehicle registration and licensing laws of the state, territory, or possession of the United States of which they are a legal resident, be exempt during their respective term of office or employment from compliance with §§ 50-1401.01 and 50-1501.02, and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia:

(1) Senators, Representatives, and Delegates of the United States Congress;

(2) Personal employees of Senators, Representatives, and Delegates of the United States Congress who are legal residents of the state, territory, or possession from which said Senators, Representatives, and Delegates have been elected or appointed. Personal employees include only those individuals who work directly and specifically for a Senator, Representative, or Delegate of the United States Congress and does not include those staff members considered committee or patronage staff;

(3) The President and Vice-President of the United States;

(4) Officers of the executive branch of the United States government who are not domiciled within the District of Columbia, whose appointment to the office held by them was by the President of the United States, subject to confirmation by the Senate, and whose tenure of office is at the pleasure of the President;

(5) Any nonresident service member in accordance with section 511 of the Soldiers' and Sailors' Civil Relief Act of 1940, approved December 19, 2003 (117 Stat. 2835; 50 U.S.C. § 571);

(6) Any foreign mission, its members, or dependents of its members, but only if they have been issued a title and registration by the United States Department of State; and

(7) Any minor under 21 years of age or spouse of any person identified in paragraphs (1) through (6); provided, that the person identified in paragraphs (1) through (6) signs an affidavit stating the minor or spouse resides at the same address in the District as the affiant.

(d) Those persons listed under subsection (c) of this section shall be required to obtain and display a valid reciprocity sticker. The Mayor shall issue, upon application and a fee of $50, a reciprocity sticker for those persons listed under subsection (c) of this section, valid for 1 year, and renewable for the respective term of office or employment.

(e) Persons enrolled as full-time students engaged in higher education (as defined by the respective institutions of higher education in the District of Columbia) in an institution of higher education licensed to operate in the District of Columbia, and who are not residents of the District of Columbia, shall, if they have complied with the motor vehicle registration and licensing laws of the state, territory, or possession of the United States of which they are a legal resident, be exempt during their respective tenure as full-time students engaged in higher education from compliance with §§ 50-1401.01 and 50-1501.02, and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia; provided, that the full-time student shall be required to obtain and display a valid reciprocity sticker.

(1) A full-time student shall be required to submit proof, as required by the Mayor, that the student is a full-time student and is in compliance with this subsection.

(2) The Mayor shall issue, upon application and for a $338 fee, a reciprocity sticker to full-time students who comply with this section. Such sticker shall be valid for 1 year. A full-time student while enrolled in an institution of higher education in the District of Columbia and while in compliance with this subsection shall be able to obtain successive reciprocity stickers, each valid for 1 year and each for a fee of $338.

(3) A full-time student who is a resident of the District of Columbia, who is registered to vote in the District of Columbia, who is employed for more than 20 hours a week, whose address for the purpose of paying tuition for higher education is in the District of Columbia, whose parent or parents domicile in the District of Columbia or whose parents are divorced or separated and the custodial parent domiciles in the District of Columbia, whose student loan is from a bank or savings and loan in the District of Columbia, or who fulfills any criteria promulgated by the Mayor of the District of Columbia shall be required to comply with § 50-1401.01 and § 50-1501.02, and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia.

(4) Notwithstanding any other law, full-time students who reside within the boundaries of Advisory Neighborhood Commissions 2A and 2E shall not be

issued or use a reciprocity parking sticker for out of state vehicles. As of January 1, 2003, this provision shall also apply to full-time students who reside within the boundaries of ANC 3D06 and 3D09.

(e-1)(1) An owner or operator of a motor vehicle shall be exempt from compliance with § 50-1401.01, § 50-1501.02, and sections 414.1, 422.1, and 422.7 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 414.1, 422.1, 422.7); provided, that the owner or operator:

(A) Is a legal resident of a state, territory, possession of the United States, foreign country, or political subdivision other than the District of Columbia;

(B) Owns residential property in the District of Columbia;

(C) Lives at the residential property described in subparagraph (B) of this paragraph on a part-time basis;

(D) Has a motor vehicle registered and licensed in a state, territory, possession of the United States, foreign country, or political subdivision other than the District of Columbia; and

(E) Has complied with the motor vehicle registration and licensing laws of a state, territory, or possession of the United States, or of a foreign country or political subdivision thereof, of which the owner or operator is a legal resident.

(2) An individual who meets the qualifications set forth in paragraph (1) of this subsection shall be required to submit proof, as required by the Mayor, that the individual owns residential property in the District and is a part-time resident.

(3) An individual who meets the qualifications set forth in paragraphs (1) and (2) of this subsection may obtain and display a valid reciprocity sticker. The Mayor shall issue, upon application and for a $338 fee, a reciprocity sticker to the motor vehicle owner or operator who complies with this subsection, which shall be valid for one year. A motor vehicle owner or operator while in compliance with this subsection shall be able to obtain successive reciprocity stickers, each valid for one year, and each for a fee of $338.

(e-2)(1) A motor vehicle owner that is a partnership, corporation, association, trust, limited liability company, or government entity and has legally complied with the motor vehicle registration and licensing laws of a state, territory, or possession of the United States, shall be exempt from compliance with § 50-1501.02, and sections 414.1, 422.1, 422.7, and 422.10 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 414.1, 422.1, 422.7, 422.10); provided, that:

(A) The vehicle is housed in the District of Columbia;

(B) The vehicle is provided to an employee of the owner or lessee for the employee's use;

(C) The employee is domiciled in the District of Columbia;

(D) The employee is licensed by the District of Columbia to operate a motor vehicle; and

(E) The business or government entity purchases a reciprocity sticker for the vehicle provided to its employee.

(2) The Mayor shall issue, upon application and for a $338 fee, a reciprocity sticker to the motor vehicle owner or operator who complies with

this subsection, which shall be valid for one year. While in compliance with this subsection, the motor vehicle owner or operator shall be able to obtain successive reciprocity stickers, each valid for one year, and each for a fee of $338. There shall be no fee for vehicles owned by the District or the United States government.

(f) Repealed.

(g) The Mayor or his designated agent is authorized to enter into reciprocal agreements or arrangements with the duly authorized representatives of a state, territory, or possession of the United States or a foreign country or political subdivision thereof, to vary the conditions under which the validity of motor vehicle registration and identification tags of any category of vehicles such as dealer tags, tags for persons with disabilities, and rental vehicle tags of such state, territory, or possession of the United States or foreign country or political subdivision thereof, shall be recognized in the District of Columbia.

(h) The Mayor of the District of Columbia shall promulgate such rules and regulations as are necessary to implement and enforce this section. Such rules and regulations shall include, but not be limited to, a determination of how many times during the 30-day exemption period an agent or employee of the Mayor of the District of Columbia must observe a motor vehicle for purposes of the enforcement of this section and a method of enforcing the provisions of this section applicable to commercial vehicles.

(i) Any operator of a motor vehicle who is not a legal resident of the District of Columbia and who does not have in his immediate possession an operator's permit issued by a state, territory, or possession of the United States, or foreign country or political subdivision thereof, having motor vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless: (1) the laws of the state, territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor vehicle operator's permit; or (2) has submitted to examination within 72 hours after entering the District and obtained an operator's permit in accordance with the provisions of § 50-1401.01. Any individual who violates any provision of this subsection shall, upon conviction thereof, be fined not less than $5 nor more than $50 or imprisoned not less than 30 days, or both.

(Mar. 3, 1925, 43 Stat. 1123, ch. 443, § 8; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 2; Aug. 16, 1954, 68 Stat. 733, ch. 741, § 6; Apr. 6, 1978, D.C. Law 2-69, § 5, 24 DCR 6800; Mar. 16, 1982, D.C. Law 4-80, § 2, 29 DCR 149; July 1, 1982, D.C. Law 4-122, § 2, 29 DCR 2080; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; Aug. 2, 1983, D.C. Law 5-24, § 9, 30 DCR 3341; Apr. 9, 1997, D.C. Law 11-198, § 506, 43 DCR 4569; Sept. 5, 1997, D.C. Law 12-14, § 8, 44 DCR 3620; June 28, 2002, D.C. Law 14-167, § 3, 49 DCR 4475; June 5, 2003, D.C. Law 14-307, § 1706(b), 49 DCR 11664; Mar. 14, 2007, D.C. Law 16-279, §§ 202(d), 401(c), 54 DCR 903; Sept. 14, 2011, D.C. Law 19-21, § 6062, 58 DCR 6226; Mar. 19, 2013, D.C. Law 19-244, § 2, 59 DCR 14942; Sept. 26, 2012, D.C. Law 19-169, § 34, 59 DCR 5567.)

Section references. — This section is referenced in § 25-1009, § 50-1401.01, § 50-1403.01, § 50-1403.02, § 50-1501.02, and § 50-1501.04.

Effect of amendments.

The 2013 amendment by D.C. Law 19-244 added (e-1) and (e-2).

The 2012 amendment by D.C. Law 19-169 substituted "tags for persons with disabilities" for "handicapped tags" in (g).

Legislative history of Law 19-244. — Law 19-244, the "Department of Motor Vehicles Reciprocity Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-783. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-565 and transmitted to Congress for its review. D.C. Law 19-244 became effective on Mar. 19, 2013.

Legislative history of Law 19-169. — Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-189. The Bill was adopted on first and second readings on Mar. 6, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to Congress for its review. D.C. Law 19-169 became effective on Sept. 26, 2012.

Editor's notes.

D.C. Law 19-182, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

Section 35 of D.C. Law 19-169 provided that no provision of the act shall impair any right or obligation existing under law.

Subchapter II. Revocation and Suspension of Permit.

§ 50-1403.01. Revocation or suspension; new permit after revocation; nonresidents; penalty for operation with revoked or suspended license.

Section references. — This section is referenced in § 23-581, § 25-1009, § 50-1105, § 50-1401.01, § 50-1403.02, § 50-2201.03, § 50-2201.05b, § 50-2201.27, and § 50-2302.02.

Emergency legislation.

For temporary amendment of (a), see § 307 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

CHAPTER 15. REGISTRATION OF MOTOR VEHICLES.

Subchapter I. General Provisions

Sec.

Subchapter I. General Provisions.

§ 50-1501.01. Definitions.

As used in this subchapter:

(1) The term "motor vehicle" means any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or

tracks, personal mobility devices, as defined by § 50-2201.02(12), or a battery-operated wheelchair when operated by a person with a disability.

(2) The term "person" means an individual, partnership, corporation, or association.

(3) The term "owner" means a person who holds the legal title to a motor vehicle or trailer the registration of which is required in the District of Columbia. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of these regulations.

(4) The term "Director" means the Director of the Department of Transportation of the District of Columbia, including assistants or agents duly designated by the Mayor.

(5) The term "dealer" means any person engaged in the business of manufacturing, distributing, or dealing in motor vehicles or trailers.

(6) The term "public highway" means any road, street, alley, or way, open to use of the public, as a matter of right, for purposes of vehicular traffic.

(7) The term "trailer" means a vehicle without motor power intended or used for carrying property or persons and drawn or intended to be drawn by a motor vehicle, whether such vehicle without motor power carries the weight of the property or persons wholly on its own structure or whether a part of such weight rests upon or is carried by a motor vehicle.

(8) The term "farm tractor" means a motor vehicle designed and used primarily for drawing implements of agricultural husbandry.

(9) The term "pneumatic tire" means a tire inflated with compressed air.

(10) The terms "operate" and "operated" shall include operating, moving, standing, or parking any motor vehicle or trailer on a public highway of the District of Columbia.

(10A) The term "class F(I) historic motor vehicle" means any motor vehicle whose manufacturer's model year is at least 25 years old or any motor vehicle which is at least 15 years old and is a make of motor vehicle no longer manufactured; provided, that the motor vehicle has been or is being restored, preserved, or maintained as an exhibition or collector's item because of its special historical value or significance, has not been substantially altered or modified from the manufacturer's original specifications and is used on the public highways for the transportation of passengers or property for occasional pleasure driving or in conjunction with exhibitions, expositions, parades, tours, club activities, or similar activities or events, including transportation directly to or from such activities or events, not exceeding a total driving mileage under all conditions of 1,000 miles annually, but in no event used for general transportation. Motor vehicles which are less than 25 years old but which are 15 or more years old and which qualify as historic motor vehicles shall include the following makes, which are no longer manufactured: Kaiser, Hudson, DeSoto, Nash, Edsel, Studebaker and Packard.

(11) The term "class F(II) historic motor vehicle" means any motor vehicle whose manufacturer's model year is at least 25 years old or any motor which

is at least 15 years old and is a make of motor vehicle no longer manufactured; provided, that the motor vehicle has been or is being restored, preserved or maintained as an exhibition or collector's item because of its special historical value or significance, has not been substantially altered or modified from the manufacturer's original specifications and is used on the public highways for the transportation of passengers or property in conjunction with exhibitions, expositions, parades, tours, club activities, or similar activities or events, including transportation directly to or from such activities or events, but in no event used for general transportation. Motor vehicles which are less than 25 years old but which are 15 or more years old and which qualify as historic motor vehicles shall include but not be limited to the following makes which are no longer manufactured: Kaiser, Hudson, DeSoto, Nash, Edsel, Studebaker and Packard.

(12) "Electric vehicle" shall have the same meaning as provided in section 3(4) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, approved September 17, 1976 (90 Stat. 1261; 15 U.S.C. § 2502(4)).

(Aug. 17, 1937, 50 Stat. 679, ch. 690, title IV, § 1; Sept. 8, 1950, 64 Stat. 791, ch. 921, §§ 1, 2; Feb. 25, 1978, D.C. Law 2-41, § 2, 24 DCR 3629; Mar. 15, 1985, D.C. Law 5-176, § 11, 32 DCR 748; Mar. 26, 1999, D.C. Law 12-184, § 3(a), 45 DCR 7796; Mar. 25, 2003, D.C. Law 14-235, § 7, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; Mar. 6, 2007, D.C. Law 16-224, § 206, 53 DCR 10225; Mar. 20, 2009, D.C. Law 17-315, § 2(a), 56 DCR 203; Mar. 19, 2013, D.C. Law 19-252, § 102(a), 59 DCR 14932.)

Section references. — This section is referenced in § 3-1351, § 50-702, and § 50-1501.03.

Effect of amendments.

The 2013 amendment by D.C. Law 19-252 added (12).

Legislative history of Law 19-252. — Law 19-252, the "Energy Innovation and Savings Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-749. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-562 and transmitted to Congress for its review. D.C. Law 19-252 became effective on Mar. 19, 2013.

Editor's notes.

Section 301 of D.C. Law 19-252 provided that the Mayor shall issue rules to implement the provisions of the act within 180 days of its effective date [Mar. 19, 2013].

§ 50-1501.02. Motor vehicles and trailers; expiration; certificates and tags; sale or transfer; Mayor to issue rules.

(a) Except as provided by § 50-1401.02, any motor vehicle or trailer operated in the District of Columbia shall be registered with the Department of Transportation by the owner of that motor vehicle or trailer.

(b)(1) Except as provided in subsections (d) and (e) of this section, a registration shall be valid for a period determined by the Mayor and shall expire at midnight of the last day of the designated period. During the 30-day period immediately preceding the date, as specified by the Mayor, on which registration expires, it shall be lawful to operate a motor vehicle or trailer registered for the ensuing registration year.

(2) The Mayor shall notify an owner of the expiration date of the owner's motor vehicle or trailer registration. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration. If the Director does not deliver the notice as required, the first of any tickets issued for failure to display current registration for that registration period may be dismissed through mail or in-person adjudication.

(c) The Mayor shall issue a registration certificate and identification tag or tags for a motor vehicle or trailer to the owner of the motor vehicle or trailer, if the owner:

(1) Has applied for registration on a form supplied by the Mayor;

(2) Has paid all applicable fines, fees, and taxes for the motor vehicle or trailer pursuant to § 50-2301.05;

(3) Has a valid certificate of title in effect for the motor vehicle or trailer;

(4) Has a valid document issued by the District of Columbia attesting that the vehicle meets applicable District of Columbia vehicle inspection standards as of the date of the application; and

(5)(A) Is domiciled in the District of Columbia; except that the person need not be domiciled in the District of Columbia if:

(i)(I) The owner is a leasing company and the lessee is not domiciled in the District of Columbia;

(II) The vehicle is housed in the District of Columbia;

(III) The vehicle is provided to an employee of the lessee for the employee's use;

(IV) The employee is domiciled in the District of Columbia; and

(V) The owner submits an affidavit affirming compliance with this paragraph and agreeing that the address on the registration certificate and in the Department of Motor Vehicles' records shall be the address of the operator and that the employee's address shall be considered the owner's address for the purpose of sending any notices required by any statute or regulation for that vehicle.

(ii) The owner is a member of Congress and has a District of Columbia residence;

(iii) The owner is a lessor and the vehicle is leased to a person domiciled in the District of Columbia; or

(iv) The owner meets the requirements set forth in subparagraph (B) of this paragraph.

(B) An owner of a vehicle need not be a resident of the District if:

(i) The owner is an individual who holds a valid license to operate a taxicab or limousine within the District of Columbia;

(ii) The owner held a valid license to operate a taxicab or limousine within the District of Columbia at some point during the 5 years prior to the owner's first attempt to register a vehicle under this subparagraph; provided, that the license to operate a taxicab or limousine shall have been first issued no later than March 1, 2006;

(iii) The owner resided outside the District of Columbia on March 1, 2006;

(iv) The owner had registered a vehicle with the Department of Motor

Vehicles on or before March 1, 2006, while residing outside the District of Columbia;

(v) The owner has no other vehicle currently registered within the District of Columbia;

(vi) The owner is registering the vehicle for use as a taxicab or limousine within the District of Columbia; and

(vii) The owner of the vehicle has, no later than September 28 of the year prior to first registering a vehicle under this subparagraph, registered with the Office of Tax and Revenue for business taxes by completing a tax registration form; provided, that:

(I) The owner of the vehicle shall be permitted to register the vehicle for the 2007 year without having to undergo Clean Hands certification pursuant to §§ 47-2862 and 47-2863; and

(II) The owner of the vehicle must meet the franchise tax filing and payment requirements as set forth in §§ 47-1805.02, 47-1807.02, and 47-1808.03 on a prospective basis for the 2007 year and subsequent years.

(d)(1) The Mayor shall issue annually, upon payment by a dealer of all applicable fees and taxes, dealer's registration certificates and identification tags bearing a distinguishing dealer's mark or symbol for the interchangeable use on motor vehicles and trailers;

(2) The Mayor shall issue, without charge, registration certificates and identification tags for all motor vehicles and trailers owned by the District of Columbia and the Washington Metropolitan Area Transit Authority;

(2A) The Mayor, through the issuance of rules, shall permit the use of vintage license plates on historic motor vehicles in place of historic motor vehicle license plates, provided that the plate is legible and corresponds to the year of the vehicle's make. The owner, through approval and registration of the vintage license plates, shall have the same rights, privileges, and obligations as if he or she had purchased new historic motor vehicle license plates. The rules promulgated pursuant to this paragraph, shall be issued no later than 90 days from March 26, 1999. The Mayor may impose a reasonable fee to carry out the provisions of this paragraph.

(3) The Mayor shall issue, without charge, registration certificates and identification tags for all motor vehicles and trailers officially used by any accredited representative of a foreign government;

(4)(A) The Mayor shall issue a duplicate registration certificate or identification tag or tags for any motor vehicle or trailer which is registered, upon proof satisfactory to the Mayor of the loss, mutilation, or destruction of the previously issued registration certificate or identification tags;

(B) The Mayor shall issue a dealer's proof of ownership certificate to any dealer upon application and upon proof of ownership as the Mayor may require; and

(C) A fee of $20 shall be paid for each duplicate registration certificate issued, a fee of $10 shall be paid for each replacement tag issued, and a fee of $26 shall be for each dealer's proof of ownership certificate issued;

(5)(A) The Mayor shall issue, for a temporary period not to exceed 45 days, a special use certificate and special use identification tags bearing a distin-

guishing mark to the owner of a motor vehicle or trailer upon payment of the fee of $13;

(B) The Mayor shall issue a special use certificate and special use identification tags bearing a distinguishing mark to the owner of a motor vehicle or trailer, for the exclusive purpose of allowing that person to comply with the requirements of Chapter 11 of this title, upon payment of a fee of $13; and

(C) The issuance of a special use certificate and special use identification tags under this subsection shall not constitute a registration of a motor vehicle or trailer for any other purposes than herein provided.

(e)(1) Except as otherwise provided in this subsection, any registration shall expire upon the sale or other transfer of the motor vehicle or trailer to another owner;

(2) Any owner selling or otherwise transferring a motor vehicle or trailer may apply the unexpired portion of the existing registration to another motor vehicle or trailer belonging to that owner, upon payment of a fee of $7 plus any amount by which the registration fee for the newly registered motor vehicle or trailer, as computed under § 50-1501.03, exceeds the original registration fee paid;

(3) In the case of a joint ownership, the unexpired portion of the existing registration may be applied to another motor vehicle or trailer by any person who was formerly a party to the joint ownership upon the consent of all the former joint owners;

(4) The name of a spouse or domestic partner as defined in § 32-701(3) may be added as joint owner to the registration of a motor vehicle or trailer, subject to the applicable provisions of law relating to the titling of motor vehicles and trailers;

(5) Upon the death of a joint owner of a motor vehicle or trailer registered under this subchapter, the registration shall be transferred to the surviving joint owners upon the payment of a fee of $7; and

(6) When the only assets of a decedent's estate requiring administration consist of no more than 2 motor vehicles, the Mayor may transfer the title to the person or persons entitled thereto or to their nominee, upon proof satisfactory to the Mayor that all debts and taxes owed by the decedent have been paid or have been provided for. If any person entitled to the transfer of title hereunder shall be a minor, the custodian or the legal guardian of the minor may nominate transferees on behalf of the minor.

(f) In order to facilitate the identification and the regulation of motor vehicles and trailers operated in the District of Columbia the Mayor shall establish:

(1) The application forms for registrations and for special use certificates;

(2) The forms of registration certificates and special use certificates;

(3) The design of identification tags; and

(4) A program for keeping records of registration, issuance of special use certificates, and transfers of registrations.

(g) The Mayor shall issue rules:

(1) To implement this subchapter;

(2) To provide for the suspension or revocation of any registration issued to an owner or dealer who has violated any provision of this subchapter or Title 18, Chapters 4 and 5, DCMR, or who knowingly provides or obtains a counterfeit, stolen, or otherwise fraudulent temporary identification tag; and

(3)(A) To establish procedures for the immobilization or impoundment of a motor vehicle or trailer for which the registration has been suspended or revoked or which is not properly registered in accordance with this subchapter and Title 18, Chapters 4 and 5, DCMR; and

(B) To establish procedures for the recovery or removal of any registration certificate or identification tags issued under this subchapter and Title 18, Chapters 4 and 5, DCMR, from a motor vehicle or trailer for which the registration has been suspended or revoked or which is not properly registered in accordance with this subchapter and Title 18, Chapters 4 and 5, DCMR;

(C) To establish procedures for the seizure and forfeiture of a motor vehicle used with a counterfeit, stolen, or otherwise fraudulent temporary identification tag.

(h) The Mayor may amend Chapters 4 and 5 of Title 18 of the District of Columbia Municipal Regulations ("DCMR") and may establish dealer registration eligibility requirements that are more stringent than the business licensing requirements in Title 16 of the DMCR; provided, that the proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not disapprove the proposed rules by resolution, within the 45-day review period, the proposed rules shall be deemed approved. The Council may approve or disapprove the proposed rules by resolution prior to the expiration of the 45-day review period.".

(i) A dealer violating any provision of Chapters 4 or 5 of Title 18, DCMR, shall be subject to a fine of up to $1000. Notices of infractions shall be issued by the Mayor and adjudicated by the Department of Motor Vehicles, pursuant to Chapter 10 of Title 18, DCMR, and subject to following provisions:

(1) A notice of infraction shall be mailed to the dealer's address on record at the Department of Motor Vehicles, personally served on the dealer, or left with an employee at the dealer's place of business.

(2) A person to whom a notice of infraction has been issued must answer by either requesting a hearing or by paying the fine due within 30 calendar days of the date of receipt of the notice of infraction.

(3) If a person fails to answer the notice within the 30-day period, the person's dealer registration may be suspended until the person pays the fine amount due.

(4) An infraction pursuant to this subsection shall be established by the government by a preponderance of evidence.

(j) Notwithstanding any other provision of law, any bus from any state or country used in the transportation of a chartered party, as that term is used in the International Registration Plan, with a seating capacity of greater than 15 passengers shall, prior to entering the District of Columbia, either:

(1) Register as a Class B commercial vehicle under § 50-1501.03(b)(2);

(2) Obtain proportional registration in its base jurisdiction through the International Registration Plan, as provided by § 50-1507.03; or

(3) Obtain a trip permit, as provided by § 50-1507.03.

(k) The Department of Motor Vehicles shall, upon request, provide to the electric company a registered owner's address, zip code, and make and model of electric vehicles registered in the District. This information shall be transferred to the electric company for use in planning for the availability and reliability of the electric power supply upon a vehicle being registered with the Department of Motor Vehicles; provided, that the electric company shall not publish or re-disclose to any persons, including affiliates of the electric company, information about the registered electric vehicle owner, nor can the transferred information be used for any purpose except as set forth in this section.

(Aug. 17, 1937, 50 Stat. 680, ch. 690, title IV, § 2; May 16, 1938, 52 Stat. 359, ch. 223, § 4; July 17, 1939, 53 Stat. 1045, ch. 313, § 1; Sept. 8, 1950, 64 Stat. 792, ch. 921, § 3; May 18, 1954, 68 Stat. 111, ch. 218, title VII, § 601; Apr. 6, 1956, 70 Stat. 102, ch. 182, § 1; July 3, 1967, 81 Stat. 108, Pub. L. 90-43, § 1; Oct. 31, 1969, 83 Stat. 173, Pub. L. 91-106, title IV, § 401; Aug. 11, 1971, 85 Stat. 314, Pub. L. 92-88, § 6; Apr. 7, 1977, D.C. Law 1-112, § 2, 23 DCR 8741; Apr. 26, 1977, D.C. Law 1-133, title III,§ 301, 23 DCR 9697; June 24, 1980, D.C. Law 3-72, § 205, 27 DCR 2155; Apr. 3, 1982, D.C. Law 4-97, § 2, 29 DCR 765; Mar. 10, 1983, D.C. Law 4-206, § 3, 30 DCR 193; Oct. 5, 1985, D.C. Law 6-49, § 2, 32 DCR 4585; Nov. 19, 1985, D.C. Law 6-54, § 2, 32 DCR 5713; Aug. 17, 1991, D.C. Law 9-30, § 2(a), 38 DCR 4215; Apr. 26, 1994, D.C. Law 10-106, § 3, 41 DCR 1014; Mar. 26, 1999, D.C. Law 12-184, § 3(b), 45 DCR 7796; Apr. 27, 2001, D.C. Law 13-289, § 201, 48 DCR 2057; June 5, 2003, D.C. Law 14-307, § 1705(a), 49 DCR 11664; Sept. 8, 2004, D.C. Law 15-176, § 6, 51 DCR 5707; Apr. 5, 2005, D.C. Law 15-287, § 2(a), 52 DCR 1437; Apr. 8, 2005, D.C. Law 15-307, §§ 203, 401(a), 701, 52 DCR 1700; Mar. 14, 2007, D.C. Law 16-279, § 403(a), 54 DCR 903; Mar. 26, 2008, D.C. Law 17-130, § 2(a), 55 DCR 1655; Sept. 14, 2011, D.C. Law 19-21, § 6003, 58 DCR 6226; Mar. 19, 2013, D.C. Law 19-244, § 3, 59 DCR 14942; Mar. 19, 2013, D.C. Law 19-252, § 102(b), 59 DCR 14932.)

Section references. — This section is referenced in § 20-357, § 47-2001, § 47-2829, § 47-2862, § 50-1401.02, § 50-1501.02a, § 50-1501.03, and § 50-1503.01.

Effect of amendments.

The 2013 amendment by D.C. Law 19-244 rewrote (c)(5)(A)(i)(I); and substituted "lessee" for "owner" in (c)(5)(A)(i)(III).

The 2013 amendment by D.C. Law 19-252 added (k).

Legislative history of Law 19-244. — Law 19-244, the "Department of Motor Vehicles Reciprocity Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-783. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-565 and transmitted to Congress for its review. D.C. Law 19-244 became effective on Mar. 19, 2013.

Legislative history of Law 19-252. — See note to § 50-1501.01.

Editor's notes.

Section 301 of D.C. Law 19-252 provided that the Mayor shall issue rules to implement the provisions of the act within 180 days of its effective date [Mar. 19, 2013].

§ 50-1501.04. Unlawful acts; penalty.

(a) It shall be unlawful:

(1) For any person to operate any motor vehicle or trailer upon any public

highway of the District of Columbia (except motor vehicles or trailers operated by nonresidents exempted under the provisions of § 50-1401.02):

(A) If such motor vehicle or trailer is not registered or covered by a dealer's registration or by a special use certificate as required by this subchapter;

(B) If such motor vehicle or trailer does not have attached thereto and displayed thereon the identification tags required therefor; or

(C) If such person does not have in his possession or in the motor vehicle or trailer operated the registration certificate or special use certificate required therefor.

(D) Repealed.

(2) For the owner of any motor vehicle or trailer knowingly to permit the operation thereof contrary to any provision of paragraph (1) of this subsection;

(3) To use a false or fictitious name or address in any application for registration or for a special use certificate, or any renewal or duplicate thereof, or knowingly to make any false statement or conceal any material fact in any such application; or

(4) For the owner of any motor vehicle to knowingly use or permit the use of any motor vehicle with a counterfeit, stolen, or otherwise fraudulent temporary identification tag.

(b)(1) Except as provided in subsection (c) of this section, any person violating any provision of this subchapter or the regulations made or promulgated under the authority hereof shall upon conviction thereof be subject to a fine of not more than $1000 or imprisonment of not more than 30 days, or both such fine and imprisonment. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General for the District of Columbia or any of his assistants in the name of the District of Columbia.

(2) A motor vehicle being used in violation of subsection (a)(4) of this section shall be subject to seizure by the Mayor or any law enforcement officer of the District and to forfeiture to the District in accordance with to 6A DCMR §§ 805-810; such seizure and forfeiture may be in addition to the imposition of a fine or imprisonment as provided for in paragraph (1) of this subsection.

(c)(1) A person violating subsection (a)(1) or (2) of this section shall be assessed the following civil penalties for a failure to maintain a valid and current registration:

(A) A fine of $200 for a lapse in registration between one and 30 days; and

(B) A fine of $200 for each additional unregistered month or portion thereof, up to a maximum of $2,400.

(2) Violations under this subsection shall be adjudicated pursuant to Chapter 23 of this title [§ 50-2301.01 et seq.].

(d) Nothing in this section shall be interpreted as impeding the ability of a public safety officer to impound a vehicle that poses a threat to public health or safety.

(Aug. 17, 1937, 50 Stat. 682, ch. 690, title IV, § 4; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; Sept. 8, 1950, 64 Stat. 794, ch. 921, § 7; July 8, 1963, 77 Stat. 77, Pub.

L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Apr. 5, 2005, D.C. Law 15-287, § 2(b), 52 DCR 1437; Mar. 14, 2007, D.C. Law 16-279, § 403(c), 54 DCR 903; Mar. 25, 2009, D.C. Law 17-353, §§ 197(b), 198, 56 DCR 1117; Oct. 22, 2012, D.C. Law 19-183, § 2, 59 DCR 9429.)

Section references. — This section is referenced in § 16-801 and § 50-2302.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-183 added "or" at the end of (a)(1)(B); substituted a period for the semicolon and "or" at the end of (a)(1)(C); repealed (a)(1)(D); in (b)(1), substituted "Except as provided in subsection (c) of this section, any person violating" for "Any person violating" and "Attorney General for the District of Columbia" for "Corporation Counsel of the District of Columbia"; and added (c) and (d).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2 of the Criminal Penalty for Unregistered Motorist Repeal Emergency Amendment Act of 2012 (D.C. Act 19-404, July 24, 2012, 59 DCR 9120).

For temporary amendment of (b)(1) and temporary addition of (c), see § 2 of the Criminal Penalty for Unregistered Motorist Repeal Emergency Amendment Act of 2012 (D.C. Act 19-404, July 24, 2012, 59 DCR 9120).

Legislative history of Law 19-183. — Law 19-183, the "Criminal Penalty for Unregistered Motorist Repeal Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-552. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on July 31, 2012, it was assigned Act No. 19-436 and transmitted to Congress for its review. D.C. Law 19-183 became effective on Oct. 22, 2012.

SUBTITLE VI. SAFETY.

CHAPTER 19. MOTOR VEHICLE OPERATORS; IMPLIED CONSENT TO BLOOD-ALCOHOL CONTENT TESTS.

§ 50-1901. Definitions.

Emergency legislation.

For temporary (90 day) amendment of section, see § 101(c)(1) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary codification of §§ 50-1901 to 50-1904 as subchapter I of this chapter, see § 101(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary codification of §§ 50-1905 to 50-1907 as subchapter II of this chapter, see § 101(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary amendment of section, see § 101(c)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-1902. Implied consent to blood-alcohol content or blood-drug content tests; administration; accidents.

Section references. — This section is referenced in § 50-1905.

Emergency legislation.

For temporary (90 day) repeal of section, see § 101(c)(2) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary repeal of section, see § 101(c)(2) of the Comprehensive Impaired

Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-1903. Blood tests; physician or nurse to withdraw blood; additional test by private physician.

Emergency legislation. — For temporary (90 day) amendment of section, see § 101(c)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 101(c)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-1904. Availability of test information.

Emergency legislation. — For temporary (90 day) amendment of section, see § 101(c)(4) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 101(d)(1) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary codification of §§ 50-1905 to 50-1907 as subchapter II of this chapter, see § 101(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary amendment of section, see § 101(c)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519, § 8a, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519, § 8b, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-1905. Test refusal; penalty; incapacitated person; use of evidence.

Emergency legislation.

For temporary (90 day) amendment of section, see § 101(d)(2) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 101(d)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

LAW REVIEWS AND JOURNAL COMMENTARIES

Administrative Driver's License Suspension: A Remedial Tool That Is Not In Jeopardy, 45 American University Law Review, The 1151.

§ 50-1906. License revocation or denial order; hearing.

Emergency legislation.

For temporary (90 day) amendment of section, see § 101(d)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (a), see § 101(d)(3) of the Comprehensive Impaired

Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-1907. Judicial review.

Emergency legislation. — For temporary (90 day) amendment of section, see § 101(d)(4) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 101(e) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 101(d)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of subchapter III of this chapter, concerning operation of a watercraft while intoxicated, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

SUBTITLE VII. TRAFFIC.

CHAPTER 22. REGULATION OF TRAFFIC.

Subchapter I. General Provisions.

PART A.

TRAFFIC ACT, 1925.

§ 50-2201.02. Definitions.

When used in this part:

(1) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by paragraph (15) of this section, or a battery-operated wheelchair when operated by a person with a disability.

(2) The term "Court" means the Superior Court of the District of Columbia.

(3) Repealed.

(4) The term "Mayor" means the Mayor of the District of Columbia or his designated agent.

(4A) The term "mini-van" means any 7 passenger vehicle which is not a sedan, station wagon, pick-up, or jeep-type vehicle, having a wheel base over 114 inches.

(5) The term "person" means individual, partnership, corporation, or association.

(6) The term "park" means to leave any motor vehicle standing on a public highway, whether or not attended.

(7) The term "public highway" means any street, road, or public thoroughfare.

(8) The term "this part" includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.

(9) The term "vehicle" shall apply to any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

(10) The term "traffic" shall be deemed to include not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.

(11) The term "chemical test" means a test which measures or relates to the properties or actions of chemicals.

(12) The term "Personal Mobility Device" or "PMD" means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair.

(13) The term "all-terrain vehicle" or "ATV" means any motor vehicle with not less than 3 low pressure tires, but not more than six low pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator. The terms "all-terrain vehicle" and "ATV" shall not include golf carts, riding lawnmowers, or tractors.

(14) The term "dirt bike" means any motorcycle designed primarily for off-road use.

(15) The term "work zone" means the area of a highway or roadway that is affected by construction, maintenance, or utility work activities, including the area delineated by and within all traffic control devices erected or installed to guide vehicular, pedestrian, and bicycle traffic.

(16) The term "Vehicle conveyance fee" shall have the same meaning as provided in § 50-2301.02(9).

(Mar. 3, 1925, 43 Stat. 1119, ch. 443, § 2; July 3, 1926, 44 Stat. 812, ch. 739, § 1; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 1; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Apr. 26, 1977, D.C. Law 1-133, title II, § 201(a), 23 DCR 9697; Nov. 15, 1983, D.C. Law 5-42, § 2(a), 30 DCR 4999; Mar. 15, 1985, D.C. Law 5-176, § 12(a), 32 DCR 748; May 5, 1992, D.C. Law 9-96, § 4(a), 38 DCR 7274; Apr. 27, 2001, D.C. Law 13-289, § 401(a), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 10(a), 49

DCR 9788; Mar. 13, 2004, D.C. Law 15-105, §§ 90(c), 94 to 97, 51 DCR 881; Apr. 5, 2005, D.C. Law 15-289, § 2(a), 52 DCR 1446; Mar. 6, 2007, D.C. Law 16-224, § 101(a), 53 DCR 10225; Jan. 23, 2008, D.C. Law 17-67, § 2(a), 54 DCR 11646; Mar. 20, 2009, D.C. Law 17-303,§ 3(a), 55 DCR 12803; Sept. 26, 2012, D.C. Law 19-171, § 140, 59 DCR 6190.)

Section references. — This section is referenced in § 5-114.01, § 31-2402, § 50-601, § 50-1108, § 50-1201, § 50-1301.02, § 50-1331.01, § 50-1401.01, § 50-1501.01, § 50-1505.01, § 50-1901, § 50-2301.02, and § 50-2602.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted "The term 'vehicle conveyance fee' shall" for "'Vehicle conveyance fee' shall" in (16).

Emergency legislation.

For temporary (90 day) amendment of section, see § 102(a) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 102(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 50-2201.03. Mayor to make rules; Department of Transportation; Director; Congressional and Council parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations.

Section references. — This section is referenced in § 1-636.02, § 9-1103.04, § 9-1111.15, § 25-1009, § 34-731, § 47-2831, § 50-2201.22, § 50-2201.25, § 50-2201.27, and § 50-2421.02.

Emergency legislation.

For temporary (90 day) amendment of section, see § 102(b) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (b), (d), (f), (j) and (k), see § 102(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-2201.04. Speeding and reckless driving.

Section references. — This section is referenced in § 4-501, § 23-581, § 50-2201.05b, § 50-2201.27, and § 50-2302.02.

Emergency legislation. — For temporary (90 day) amendment of section, see § 102(c) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (c), see § 102(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-2201.04b. Operation of all-terrain vehicles and dirt bikes.

Emergency legislation. — For temporary (90 day) amendment of section, see § 102(d) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (c), see § 102(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-2201.05. Fleeing from scene of accident; driving under the influence of liquor or drugs.

Section references. — This section is referenced in § 1-620.24, § 4-501, § 4-516, § 7-2502.03, § 16-801, § 23-581, § 50-2201.05a, § 50-2201.27, § 50-2205.02, § 50-2205.03, and § 50-2302.02.

Emergency legislation.

For temporary (90 day) repeal of section, see § 102(e) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary repeal of section, see § 102(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

CASE NOTES

Instructions.

Trial court's error in instructing jury that operating vehicle while intoxicated required lesser degree of impairment than driving under influence (DUI), when they both involved same level of impairment, and required a finding that impairment was to appreciable degree, was harmless; jury was instructed that, for OWI, defendant had to be impaired in any way or at some level, which was essentially synonymous with "appreciable," jury's questions during deliberations focused on obtaining clarity for DUI charge, for which jury never reached verdict, and jury heard testimony about conduct that demonstrated impairment that was appreciable as matter of law. Taylor v. District of Columbia, 2012 WL 3507654 (2012).

LAW REVIEWS AND JOURNAL COMMENTARIES

Administrative Driver's License Suspension: A Remedial Tool That Is Not In Jeopardy, 45 American University Law Review, The 1151.

§ 50-2201.05b. Fleeing from a law enforcement officer in a motor vehicle.

Emergency legislation.

For temporary (90 day) amendment of section, see § 102(f) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 102(g) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (b)(2), see § 102(f) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519, § 10c, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519, § 10d, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program

Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-2201.07. Control over park system not affected by this part.

Emergency legislation. — For temporary (90 day) repeal of section, see § 102(h) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 102(h) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

PART B.

MISCELLANEOUS.

§ 50-2201.28. Right-of-way at crosswalks.

(a) When official traffic-control signals are not in place or not in operation, the driver of a vehicle shall stop and give the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection.

(a-1) Whenever a vehicle is stopped at a marked crosswalk at an unsignalized intersection, a vehicle approaching the crosswalk in an adjacent lane or from behind the stopped vehicle shall stop and give the right-of-way to ensure the safety of pedestrians and bicyclists before passing the stopped vehicle.

(b) A pedestrian who has begun crossing on the "WALK" signal shall be given the right-of-way by the driver of any vehicle to continue to the opposite sidewalk or safety island, whichever is nearest.

(b-1) A person on a bicycle or operating a personal mobility device upon or along a sidewalk or while crossing a roadway in a crosswalk shall have the rights and duties applicable to a pedestrian under the same circumstances; provided, that:

(1) The bicyclist or personal mobility device operator yields to pedestrians on the sidewalk or crosswalk; and

(2) Riding a bicycle on the sidewalk is permitted.

(c) Any person convicted of failure to stop and give the right-of-way to a pedestrian or of colliding with a pedestrian shall be subject to a fine of not more than $500, or imprisonment for not more than 30 days, or both. Any person convicted of a violation of this section may be sentenced to perform community service as an alternative to, but not in addition to, any term of imprisonment authorized by this section.

(c-1) Civil fines, penalties, and fees may be imposed by the Department of Motor Vehicles as alternative sanctions for any infraction of the provisions of this section, or rules or regulations issued under the authority of this section,

pursuant to Chapter 23 of this title [§ 50-2301.01 et seq.]. Adjudication of any infraction shall be pursuant to Chapter 23 of this title [§ 50-2301.01 et seq.].

(d) The Mayor of the District of Columbia ("Mayor") shall submit to the Council of the District of Columbia ("Council") a proposed plan for an extensive public information program on the rights and responsibilities of pedestrians and drivers. This proposed plan shall include proposals for increasing police enforcement of pedestrian right-of-way laws. The proposed plan shall be submitted to the Council within 90 days of October 9, 1987, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day review period, the proposed plan shall be deemed approved.

(e) Prosecution for violations under this section shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia, or his or her assistants, in the Superior Court of the District of Columbia.

(Oct. 9, 1987, D.C. Law 7-34, § 2, 34 DCR 5316; Mar. 16, 2005, D.C. Law 15-224, § 2, 51 DCR 10533; Mar. 2, 2007, D.C. Law 16-191, § 114, 53 DCR 6794; Nov. 25, 2008, D.C. Law 17-269, § 2, 55 DCR 11015; Dec. 2, 2011, D.C. Law 19-49, § 2, 58 DCR 8945; Mar. 5, 2013, D.C. Law 19-206, § 2, 59 DCR 12505.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-206 added (a-1) and (b-1).

Emergency legislation.

For temporary amendment of (a), see § 201 of the Safety-Based Traffic Enforcement Emergency Amendment Act of 2012 (D.C. Act 19-635, January 19, 2013, 60 DCR 1731).

Legislative history of Law 19-206. — Law 19-206, the "Pedestrian and Bicyclist Protection Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-568. The Bill was adopted on first and second readings on June 26, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Oct. 23, 2012, it was assigned Act No. 19-486 and transmitted to Congress for its review. D.C. Law 19-206 became effective on Mar. 5, 2013.

§ 50-2201.30. Special signs for failure to yield to pedestrians in crosswalks.

The District Department of Transportation shall develop and implement a plan to create and post special signs with the following or substantially similar notation: "D.C. Law: Failure to stop for pedestrians in crosswalk punishable by $250 fine". The signs shall be posted at selected District crosswalks and intersections to alert motorists of the fine for this infraction. The Director of the District Department of Transportation shall be responsible for determining which crosswalks and intersections shall have the signs.

(Nov. 25, 2008, D.C. Law 17-269, § 4, 55 DCR 11015; Sept. 26, 2012, D.C. Law 19-171, § 141, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "pedestrians in crosswalks" for "a pedestrian" in the section heading.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on

May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Subchapter III. Driving While Under the Influence of Alcohol.

§ 50-2205.02. Evidence of intoxication.

Section references. — This section is referenced in § 50-1902.

Emergency legislation.

For temporary (90 day) repeal of section, see § 103(e)(2)(A) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary codification of D.C. Law 4-145, §§ 2 and 3 (§§ 50-2205.02 and 50-2205.03), as Part A of this subchapter, entitled "Impaired Operating or Driving," see § 103(a) and (e)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary codification of D.C. Law 4-145, §§ 4 to 11 as Title II of the act, see § 103(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary codification of D.C. Law 4-145, §§ 12 and 13 as Title III of the act, see § 103(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary codification of D.C. Law 4-145, § 14 as Title IV of the act, see § 103(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary repeal of section, see § 103(e)(2)(A) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

§ 50-2205.03. Admissibility of test results.

Section references. — This section is referenced in § 25-1006.

Emergency legislation. — For temporary (90 day) repeal of section, see § 103(e)(2)(B) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 103(e)(2)(C), (e)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary repeal of section, see § 103(e)(2)(B) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, § 3a, see § 103(e)(2)(C) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, §§ 3b through 3i, codified as Part B of this subchapter, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, §§ 3j through 3o, codified as Part C of this subchapter, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, §§ 3p through 3x, codified as Part D of this subchapter, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C Act 19-508, October 26, 2012, 59 DCR 13325).

Subchapter V. Automated Traffic Enforcement.

§ 50-2209.01. Authorized; violations as moving violations; evidence; definition.

(a) The Mayor is authorized to use an automated traffic enforcement system to detect moving infractions. Violations detected by an automated traffic enforcement system shall constitute moving violations. Proof of an infraction may be evidenced by information obtained through the use of an automated traffic enforcement system. For the purposes of this subchapter, the term "automated traffic enforcement system" means equipment that takes a film or digital camera-based photograph which is linked with a violation detection system that synchronizes the taking of a photograph with the occurrence of a traffic infraction.

(b) Recorded images taken by an automated traffic enforcement system are prima facie evidence of an infraction and may be submitted without authentication.

(c) An individual's driver's license or privilege to operate a motor vehicle in the District shall not be suspended for a violation detected by an automated traffic enforcement system for failure to:

(1) Timely answer a notice of infraction;

(2) Appear, without good cause, at a scheduled hearing; or

(3) Timely pay any civil fine or penalty.

(Apr. 9, 1997, D.C. Law 11-198, § 901, 43 DCR 4569; Oct. 23, 2012, D.C. Law 19-187, § 2(a), 59 DCR 10149.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-187 added (c).

Legislative history of Law 19-187. — Law 19-187, the "Automated Traffic Enforcement Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-244. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on August 6, 2012, it was assigned Act No. 19-440 and transmitted to Congress for its review. D.C. Law 19-187 became effective on Oct. 23, 2012.

§ 50-2209.02. Liability for fines; notice of infraction; hearing.

(a) Absent an intervening criminal or fraudulent act, the owner of a vehicle issued a notice of infraction shall be liable for payment of the fine assessed for the infraction.

(b) When a violation is detected by an automated traffic enforcement system, the Mayor shall mail a summons and a notice of infraction to the name and address of the registered owner of the vehicle on file with the Department of Motor Vehicles or the appropriate state motor vehicle agency. The notice shall include the date, time, and location of the violation, the type of violation detected, the license plate number, and state of issuance of the vehicle detected, and a copy of the photo or digitized image of the violation.

(c) An owner or operator who receives a citation may request a hearing which shall be adjudicated pursuant to subchapter I of Chapter 23 of this title.

(d) The owner or operator of a vehicle shall not be presumed liable for

violations in the vehicle recorded by an automated traffic enforcement system when yielding the right of way to an emergency vehicle, when the vehicle or tags have been reported stolen prior to the citation, when part of a funeral procession, or at the direction of a law enforcement officer.

(Apr. 9, 1997, D.C. Law 11-198, § 902, 43 DCR 4569; Mar. 24, 1998, D.C. Law 12-81, § 51, 45 DCR 745; Apr. 8, 2005, D.C. Law 15-307, § 206, 52 DCR 1700; Oct. 23, 2012, D.C. Law 19-187, § 2(b), 59 DCR 10149.)

Section references. — This section is referenced in § 1-629.05, § 50-331, and § 50-2201.03.

Effect of amendments.
The 2012 amendment by D.C. Law 19-187 rewrote (a); and substituted "Department of Motor Vehicles" for "Bureau of Motor Vehicle Services" in (b).

Legislative history of Law 19-187. — See note to § 50-2209.01.

Chapter 23. Traffic Adjudication.

Subchapter I. General Provisions

Subchapter I. General Provisions.

§ 50-2301.05. Monetary sanctions.

(a) The maximum monetary sanctions that may be imposed under this chapter shall be as follows:

(1) The civil fine for an infraction shall be an amount equal to the collateral or bond established for the offense, equivalent to the infraction, by the Board of Judges of the Superior Court of the District of Columbia on the day before September 12, 1978. The Mayor may modify this schedule of fines by an order which shall be presented to the Council. The order shall be effective 45 days after the Mayor presents it to the Council unless the Council adopts a resolution either disapproving or approving the Mayor's order, and does so during the review period of 45 days, which shall not include Saturdays, Sundays, legal holidays, and days of recess for the Council.

(2) In addition to the civil fine, the following penalties may be imposed:

(A) In the case of a person receiving a notice of infraction who fails to answer such notice within the time specified by §§ 50-2302.05(d)(1) and 50-2303.05(d)(1), a penalty equal to the amount of the civil fine;

(B) In the case of a person receiving a notice of infraction who fails to answer such notice by the close of business on the date set for the hearing or who answers but fails without good cause to appear at such hearing, with respect to infractions under subchapter II of this chapter, a penalty equal to twice the amount of the civil fine and, with respect to infractions under

subchapter III of this chapter, a penalty equal to the amount of the civil fine plus $5.

(b) A respondent may pay such fines and penalties by use of credit cards approved by the Director.

(c) The Director may permit, in his or her sole discretion, persons owing substantial fines, fees or charges to the Department to pay the amounts owed in installments at intervals as the Director may decide.

(Sept. 12, 1978, D.C. Law 2-104, § 105, 25 DCR 1275; Aug. 1, 1985, D.C. Law 6-15, § 9, 32 DCR 3570; Apr. 27, 2001, D.C. Law 13-289, § 302(c), 48 DCR 2057; Sept. 20, 2012, D.C. Law 19-168, § 1054(b)[c], 59 DCR 8025.)

Section references. — This section is referenced in § 31-2413, § 50-1401.01, § 50-1501.02, § 50-2207.02, § 50-2302.05, § 50-2302.06, § 50-2303.04a, § 50-2303.05, and § 50-2303.06.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 deleted the last sentence of (b), which read: "The Director may pay a reasonable percentage of monies collected to private agencies for the collection of fines, penalties and fees."

Emergency legislation. — For temporary (90 day) amendment of section, see § 1054(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 1054(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary addition of provisions concerning automated traffic enforcement, see §§ 101 to 105 of the Safety-Based Traffic Enforcement Emergency Amendment Act of 2012 (D.C. Act 19-635, January 19, 2013, 60 DCR 1731).

For temporary amendment of section, see § 106 of the Safety-Based Traffic Enforcement Emergency Amendment Act of 2012 (D.C. Act 19-635, January 19, 2013, 60 DCR 1731).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Subchapter III. Parking, Standing, Stopping and Pedestrian Infractions.

§ 50-2303.04a. Fleet reconciliation program.

(a) For the purposes of this section, the term:

(1) "Fleet" means 10 or more company owned or long-term leased motor vehicles, or a vehicle that was part of the fleet adjudication program, which the motor vehicle owner elects to be part of the fleet reconciliation program.

(2) "Motor vehicle fleet owner" means any corporation, firm, agency, association, organization, or other entity holding legal title to 10 or more company owned or leased motor vehicles and an owner who was part of the fleet adjudication program and elects to be part of the fleet reconciliation program.

(b) The Mayor is authorized to implement a fleet reconciliation program. The Mayor may compile notices of infraction for parking violations and for violations detected by an automated traffic enforcement system or an automated parking enforcement system, issued during a 30-day period, reconcile traffic records, and generate a consolidated monthly fleet infraction report for

motor vehicle fleet owners who have registered those motor vehicles comprising a fleet. The monthly fleet infraction report shall serve as the summons and complaint.

(c) The Mayor may, by rulemaking, impose a registration fee on all motor vehicle fleet owners authorized to participate in this program. The registration fee shall recover the administrative costs associated with the administration and enforcement of this chapter with respect to fleets.

(d) To participate in the fleet reconciliation program, a motor vehicle fleet owner shall:

(1) Register its fleet with the Department of Motor Vehicles;

(2) Pay a registration fee to cover the District government's administrative costs for the fleet reconciliation program; and

(3) Satisfy all outstanding parking, moving, and automatic enforcement infractions prior to registration in the program.

(e) A fleet owner participating in the fleet reconciliation program shall pay the amount owed stated in the monthly fleet infraction report, which sets forth the date and time of the infraction and other information contained in the original notice of infraction, within 30 days of its receipt. If the amount set forth in the fleet infraction report is not paid within 30 days, the Director shall notify the owner in writing that failure to pay within 30 days of the date of the notice of failure to pay shall be grounds for removal from the program. A fleet owner shall be given notice in writing if it is being removed from the program. The effective date of the removal shall be the date that notice of removal is sent to the fleet owner. A fleet owner shall not be entitled to adjudicate any violations listed in the monthly fleet infraction report. Penalties set forth in § 50-2301.05(a)(2) are not applicable to the fleet reconciliation program. If a fleet owner is removed from the program by the Director, then the penalties set forth in § 50-2301.05(a)(2) shall immediately apply and the owner shall be responsible for any penalties that would have incurred if the vehicle had not been part of the program. A fleet vehicle shall not be subject to towing or immobilization, for failure to pay notices of infraction while part of the fleet reconciliation program. If a fleet vehicle is removed from the program, either voluntarily or as a result of removal by the Director, the vehicle shall become immediately subject to towing or immobilization if the vehicle would have been subject to towing or immobilization had it not been part of the program.

(e-1) Notwithstanding the provisions of the Driver Education Program and Fleet Program Amendment Act of 2009 [subtitle A of title VI of D.C. Law 18-111, §§ 6001 to 6003], a member of the fleet reconciliation program shall be able to adjudicate a ticket on the basis of a citation having an invalid license plate or tag number, or for a duplicate citation for the same infraction.

(f) The fleet owner shall be primarily liable for the civil penalties imposed pursuant to this section.

(Sept. 12, 1978, D.C. Law 2-104, § 304a, as added March 24, 1998, D.C. Law 12-76, § 2(a), 45 DCR 481; Apr. 27, 2001, D.C. Law 13-289, § 302(h), 48 DCR 2057; Apr. 8, 2005, D.C. Law 15-307, § 207(c), 52 DCR 1700; Mar. 14, 2007, D.C. Law 16-279, § 301(f), 54 DCR 903; Aug. 15, 2008, D.C. Law 17-217,§ 2(c),

55 DCR 7513; Mar. 3, 2010, D.C. Law 18-111, § 6003, 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 142, 59 DCR 6190.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (e); redesignated the subsection (f) added by D.C. Law 18-111 as (e-1); and thereby restored former (f).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

SUBTITLE VIII. VEHICLES ON PUBLIC AND PRIVATE SPACE.

CHAPTER 24. ABANDONED AND JUNK VEHICLE REMOVAL.

Subchapter II. Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles

Sec.

Subchapter II. Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles.

§ 50-2421.10. Disposal of unclaimed vehicles; penalties; auction admission fees.

(a) The Department may, consistent with reasonable business practices, sell or otherwise dispose of an unclaimed vehicle.

(b) If an unclaimed vehicle is sold at a public auction or through other means pursuant to subsection (a) of this section, the purchaser shall take title to the vehicle free and clear of all liens and claims of ownership by others, receive a sales receipt, and be entitled, upon application and the payment of all applicable fees, to a certificate of title and registration; provided, that all other eligibility requirements are met.

(c) The Department shall retain the proceeds of the sale or disposition of any vehicle an amount that represents reimbursement for the costs of sale, the costs of towing and storing the vehicle, the costs of furnishing notice and other related enforcement activities, the payment of such liens as were declared null and void, and the remainder shall be deposited into the General Fund.

(d) Except for vehicles enclosed on private property or located on the property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles, any person who purchases a vehicle that has been sold for salvage only from the Department, and who, thereafter, leaves, stores, or parks the vehicle on public space or private property, shall be guilty of a misde-

meanor prosecuted by the Office of the Corporation Counsel, and shall be subject to a fine for each offense not to exceed $5,000, imprisonment for a period not to exceed one year, or both.

(e) The Director is authorized to establish a non-refundable cost-based auction admission fee. The proceeds from this fee shall be used to offset the costs of all vehicle auctions held on the day of the auctions. The proceeds from the fee shall be deposited into the General Fund.

(Oct. 28, 2003, D.C. Law 15-35, § 10, 50 DCR 6579; Sept. 14, 2011, D.C. Law 19-21, § 9101, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 146, 59 DCR 6190.)

Section references. — This section is referenced in § 22-2724 and § 50-2402.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted "the day of the auctions. The proceeds from the fee" for "that day, and all proceeds in this subsection" in (e).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CHAPTER 25A. PERFORMANCE PARKING ZONES.

§ 50-2531. Performance Parking Zones.

(a) The Mayor may establish Performance Parking Zones for the purpose of managing curbside parking and reducing congestion citywide.

(b) The Mayor shall establish zone-specific parking management targets, and implement regulations, to achieve the following goals:

(1) Protect resident parking in residential zones;

(2) Facilitate regular parking turnover in busy commercial areas;

(3) Promote the use of non-auto transportation; and

(4) Decrease vehicular congestion within each zone.

(c) The Mayor may designate residential permit parking zones on currently undesignated residential blocks.

(d) Notwithstanding any other provision of law or regulation, the Mayor may employ the following to achieve the goals and targets established pursuant to subsection (b) of this section:

(1) Set or adjust curbside parking fees;

(2) Set or adjust the days and hours during which curbside parking fees apply;

(3) Adjust parking fines, as needed, to dissuade illegal parking; and

(4) Exempt vehicles displaying valid, in-zone residential permit parking stickers from meter payment, as needed.

(e) When changing curbside parking fees, the Mayor shall:

(1) Monitor curbside parking availability rates on commercial streets to establish a need for any fee increase;

(2) Except for fees in loading zones, not increase any fee by more than $0.50 in any one-month period, or more than once per month; and

(3) Except for fees in loading zones, provide notice to the affected Ward Councilmember and Advisory Neighborhood Commission ("ANC") of any changes in curbside parking fees at least 10 days before implementation.

(f) Curbside signage, meter decals, and electronic displays shall provide sufficient notice of changes to restrictions.

(g) The Mayor shall designate a project manager who will serve as the main point of contact for the public on matters related to each performance parking zone.

(h) The Mayor shall publish a public web site that includes the following: performance parking zone boundaries, rules or regulations, information about how to use new parking fee technologies, and a project manager's name and contact information.

(i) Repealed.

(Nov. 25, 2008, D.C. Law 17-279, § 2, 55 DCR 11059; Sept. 14, 2011, D.C. Law 19-21, § 6083(a), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(a), 59 DCR 8025.)

Section references. — This section is referenced in § 50-2532, § 50-2532.01, and § 50-2533.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 rewrote the section heading, which formerly read: "Performance Parking Pilot Program"; in (a), substituted "Performance Parking Zones" for "a Performance Parking Pilot Program" and "citywide" for "within and around established performance parking pilot zones"; deleted "performance parking pilot zone" following "achieve the following" in the introductory language of (b); substituted "The Mayor may" for "Within each performance parking pilot zone, the Mayor shall" in (c); deleted "Within each performance parking pilot zone, and" at the beginning of the introductory language of (d); in the introductory language of (e), substituted "changing" for "increasing" and deleted "within a performance parking pilot zone" following "parking fees"; deleted "within a performance parking pilot zone, except for changes to curbside parking fees pursuant to subsection (d)(1) of this section" at the end of (f); deleted "pilot" following "performance parking" in (g); and in (h), substituted "performance parking zone" for "pilot zone" and deleted "parking pilot" preceding "project manager's."

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

§ 50-2531.01. Performance Parking Program Fund.

(a)(1) There is established as a nonlapsing fund the Performance Parking Program Fund ("Fund"), which shall be used solely for the purposes set forth in § 50-2534, and shall be administered by the Director of the District Department of Transportation.

(2) One-half of the net revenue derived from any modifications to meter

rates, meter hours, or metered areas within each performance parking zone shall be deposited in the Fund, provided the net revenue:

(A) For performance parking zones established:

(i) After September 30, 2012, shall be the amount in excess of the revenue that would have been collected if the Mayor had kept the meter rates, meter hours, and metered areas in effect as of September 30, 2012; and

(ii) Before October 1, shall be the amount in excess of the revenue that would have been collected if the Mayor had kept the meter rates, meter hours, and metered areas in effect as of September 30, 2011; and

(B) For the H Street performance parking zone shall be the amount in excess of the revenue that would have been collected if the Mayor kept the meter rates, meter hours, and metered areas at those levels as of June 1, 2012.

(2) Subsection (b) is amended by striking the phrase "continually available for" and inserting the phrase, "continually available for projects within the zone from which revenues were raised for" in its place.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for projects within the zone from which revenues were raised for the uses and purposes set forth in § 50-2534 without regard to fiscal year limitation, subject to authorization by Congress.

((Nov. 25, 2008, D.C. Law 17-279, § 2a, as added Sept. 14, 2011, D.C. Law 19-21, § 6083(b), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(b), 59 DCR 8025.)

Section references. — This section is referenced in § 50-2603.

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 rewrote (a); and added "projects within the zone from which revenues were raised for" in (b).

Legislative history of Law 19-168. — See note to § 50-2531.

§ 50-2532.01. H Street N.E. Performance Parking Pilot Zone.

(a) The H Street N.E. Performance Parking Zone is designated as the area within the following boundary: K Street, N.E., from 3rd Street, N.E., to 8th Street, N.E.; 8th Street, N.E., from K Street, N.E., to Florida Avenue, N.E.; Florida Avenue, N.E., from 8th Street, N.E., to 15th Street, N.E.; 15th Street, N.E., from Florida Avenue, N.E., to E Street, N.E.; E Street, N.E., from 15th Street N.E., to 3rd Street, N.E.; 3rd Street, N.E., from E Street, N.E., to K Street, N.E., including both sides of these boundary streets.

(b) In addition to maintaining a sufficient number of parking-control officers and traffic-control officers in the existing performance parking zones, the Mayor shall assign parking-control and traffic-control officers for implementation of the pilot program in the H Street N.E. Performance Parking Pilot Zone and for enhanced enforcement during peak-parking-demand hours.

(c) The Mayor shall designate existing residential parking-permit-zoned blocks within the performance-parking zone as within a high-traffic generating corridor and provide increased residential-parking protections.

(d) The Mayor shall set the initial performance-parking-pilot-zone fee equal to the existing fee.

(e) Pursuant to § 50-2531(d)(1), the Mayor shall adjust fees to achieve 10% to 20% availability of curbside parking spaces.

(f) Notwithstanding any other provision of this chapter, the Mayor shall not charge curbside parking fees on District or federal holidays.

(g) Within the first 30 days of September 14, 2011, the Mayor may issue warning citations for curbside parking violations related to the pilot program in the zone.

((Nov. 25, 2008, D.C. Law 17-279, § 3a, as added Sept. 14, 2011, D.C. Law 19-21, § 6083(c), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(c), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 145, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 rewrote (a).

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction.

Legislative history of Law 19-168. — See note to § 50-2531.

Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 50-2534. Expenditure of Performance Parking Pilot Program revenue.

(a) The Performance Parking Program Fund shall be used for non-automobile transportation investments in each zone. These investments shall supplement or substantially accelerate investments that would otherwise be made by the District.

(b) The Mayor shall involve performance parking pilot zone residents, businesses, ANCs, and Ward Councilmembers in prioritizing non-automobile transportation improvements. The improvements may include:

(1) Enhancements to bus and rail facilities to improve access and level of service such as electronic real-time schedule displays outside of stations and stops, display of large, full-color bus and rail maps, bus-only and bus priority lanes, and programs to increase electronic fare payment technologies;

(2) Enhancements to increase the safety, convenience, and comfort of pedestrians, such as new or improved sidewalks, lighting, signage, benches, improved streetscapes, countdown crosswalk signals, and neighborhood traffic calming;

(3) Improvements to bicycling infrastructure, such as painted and separated bicycle lanes, installation of public bicycle racks, and way-finding signage for bicyclists; and

(4) Improvements, which support retail and small businesses, that enhance the pedestrian and customer experience within the zone, such as clean-up and hospitality activities, public safety initiatives, and streetscape and storefront upgrades.

(c) DC Surface Transit, Inc. shall serve as an official advisory body to the District Department of Transportation for performance parking implementa-

tion within the Central Washington Area (as defined in 10 DCMR § 16), except where the Central Washington Area overlaps with preexisting performance parking zones.

(Nov. 25, 2008, D.C. Law 17-279, § 5, 55 DCR 11059; Sept. 14, 2011, D.C. Law 19-21, § 6083(d), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(d), 59 DCR 8025.)

Section references. — This section is referenced in § 50-2531.01.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 rewrote (a); and added (c).

Legislative history of Law 19-168. — See note to § 50-2531.

§ 50-2535. Reporting requirements and oversight for each performance parking zone.

(a) Before implementation, or upon November 25, 2008, whichever is later, the District Department of Transportation ('DDOT') shall transmit a detailed performance parking zone plan to the Council and to the Chairs of all ANCs within a performance parking zone. The plan shall set zone-specific parking management targets and shall detail parking changes, which may include new parking restrictions and curbside parking fees.

(b) At the request of any ANC or Ward Councilmember representing all or part of a performance parking zone, DDOT shall conduct public meetings to provide an update on parking management targets and an opportunity for public comment.

(c) Repealed.

(d) The Mayor shall provide quarterly reports to the Council and make the reports available on its website detailing the following information for each performance parking zone:

(1) Quarterly revenue;

(2) Quarterly revenue associated with performance parking meter pricing;

(3) Quarterly expenditures on non-automobile transportation improvements; and

(4) The balance of funds available for additional non-automobile transportation investments.

(e) Repealed.

(Nov. 25, 2008, D.C. Law 17-279, § 6, 55 DCR 11059; Sept. 20, 2012, D.C. Law 19-168, § 6042(e), 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 substituted "for each performance parking zone" for "of performance parking pilot zones" in the section heading; deleted "pilot" following "performance parking" twice in the first sentence of (a); rewrote (b); repealed (c), which read: "If a performance parking pilot zone is not meeting established parking management targets after the 2nd quarter of operation, DDOT shall re-evaluate the strategies used and implement a revised plan. Within 30 days after the 2nd quarter of operation, any revised plan shall be implemented and transmitted to the Council and ANCs, pursuant to subsection (a) of this section"; rewrote (d); and repealed (e), which read: "Sixty days before the expiration of a performance parking pilot zone, the Mayor

shall produce a final report evaluating the success of the performance parking pilot zone, including recommendations for continuation of some or all aspects of the pilot program within the zone."

Legislative history of Law 19-168. — See note to § 50-2531.

CHAPTER 25B. WARD 1 RESIDENTIAL PARKING.

Sec.
50-2551. Ward 1 Enhanced Residential Parking Program.

§ 50-2551. Ward 1 Enhanced Residential Parking Program.

(a) There is established a Ward 1 Enhanced Residential Parking Program ("Program"). Any Ward 1 Advisory Neighborhood Commission ("ANC") may, by resolution of that ANC, vote to include blocks within the ANC in the Program. The Program will consist of the following requirements:

(1) Any block that participates in the residential permit parking in Ward 1 shall have at least 50% of the legal residential parking spaces on that block designated as Zone 1 Permitted Parking Only;

(2) A visitor parking pass program shall be available to residents similar to the program in Mount Pleasant required by § 50-2537; and

(3) Any resident owning a vehicle registered at an address on a Ward 1 residential block may be granted a Zone 1 residential parking sticker, in accordance with the process developed by the Mayor pursuant to § 50-2552.

(b) Blocks within a streetscape construction project impact zone, as designated by the Mayor, shall be excluded from the Program until the Mayor declares that all major construction associated with the streetscape has been completed.

(c) The Program shall not apply within one block of a ward boundary. Streets within one block of a ward boundary shall instead be designated so that vehicles displaying a valid residential permit for either adjacent ward may park on any such block that was a residential permit parking street before the institution of the Program.

(Oct. 26, 2010, D.C. Law 18-240, § 2, 57 DCR 7186; July 13, 2012, D.C. Law 19-157, § 5(a), 59 DCR 5598.)

Section references. — This section is referenced in § 50-2552.

Effect of amendments. — D.C. Law 19-157 added subsec. (c).

Legislative history of Law 19-157. — Law 19-157, the "Advisory Neighborhood Commissions Boundaries Act of 2012", was introduced in Council and assigned Bill No. 19-528, which was retained by the Council. The Bill was adopted on first and second readings on March 20, 2012, and May 1, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-364 and transmitted to both Houses of Congress for its review. D.C. Law 19-157 became effective on July 13, 2012.

Chapter 26. Regulation of Parking.

Subchapter I. General Provisions.

§ 50-2603. Determination of amount and duration of benefits.

The Mayor of the District of Columbia is authorized to exercise all powers necessary and convenient to carry out the purposes of this subchapter, the said purposes being hereby declared to be the acquisition, creation, and operation, in any manner hereinafter provided, under public regulations, of public off-street parking facilities in the District of Columbia as a necessary incident to insuring in the public interest the free circulation of traffic in and through the District of Columbia and to promoting the economic growth and stability of neighborhood commercial centers. Such powers include, but shall not be limited to, the powers hereinafter enumerated:

(1) The power to acquire any property, real or personal, or any interest therein, by purchase, lease, gift, bequest, devise, or grant, or by condemnation under the provisions of Chapter 13 of Title 16 in any area of the District. In the case of neighborhood municipal off-street parking, condemnation powers, under the provisions of Chapter 13 of Title 16 of the District of Columbia Official Code, shall not be used to acquire residential property on which there are improvements or commercial property with improvements that are in use. Before acquiring any real property for neighborhood municipal off-street parking facilities or establishing such facilities the Mayor shall hold at least 1 public hearing and request any affected advisory neighborhood commission(s) for its comments and reports within 30 days of such request. Before acquiring any area for parking facilities the Mayor shall request the National Capital Planning Commission for its recommendations and it shall be the duty of said Commission to report thereon within 30 days of such request;

(2) The power to undertake, by contract or otherwise, the clearance and improvement of any such property as well as the construction, establishment, reconstruction, alteration, repair, maintenance, and operation thereon of parking facilities; to contract, by lease or otherwise, with competitive bidding, with any individual, firm, association, or corporation, private or public, for the operation of any parking facilities for such period, not exceeding 5 years, as the Mayor shall determine, and to terminate, without prior notice, any contract in the event of any failure or omission of any party thereto to observe or enforce the rules or schedules of rates made under authority of paragraph (4) of this section. The words "such property" in this paragraph shall include, in addition to property acquired under this subchapter, any other property, heretofore or hereafter acquired by the District, until needed for the purpose for which it was acquired, or if no longer needed for the purpose for which it was acquired,

or upon which parking facilities may be established without impairing its use for the purpose for which it was acquired. Before establishing any parking facilities upon the property not acquired under authority of this subchapter, the Mayor shall request the National Capital Planning Commission for its recommendations and it shall be the duty of said Commission to report thereon within 30 days of such request;

(3) The power to sell, exchange, transfer, or assign any property, real or personal, or any interest therein, acquired under authority of this subchapter, whether or not improved; provided, that such action shall be in accordance with the general law covering the disposal of such property by the District of Columbia;

(4) The power to establish and from time to time to revise, with or without public hearings, uniform schedules of rates to be charged for use of space in each such parking facility; to provide rate differentials between said parking facilities for such reasons as the amount of space occupied, the location of the facility, and other reasonable differences; and to prescribe and promulgate such rules and regulations for the carrying out of the provisions of this subchapter as may be necessary to keep said parking facilities subject at all times to public regulation, and to insure the maintenance and operation of such parking facilities in a clean and orderly manner and in such a manner as to provide efficient and adequate service to the public. The rates to be charged for parking of motor vehicles within said parking facilities shall be fixed at the lowest possible rates, consistent with the achievement of the purposes of this subchapter, that will defray the cost of maintaining, operating, and administering the parking facilities; liquidate within such time as the Council shall determine the cost of acquiring and improving the required property for parking-facility purposes; and provide for the acquisition and improvement of other necessary parking facilities, but without any purpose of obtaining for the District any profit or surplus revenue from the operation of said parking facilities. There shall be no discrimination in rates or privileges among the members of the public using said parking facilities;

(5) The power to secure and install mechanical parking meters or parking devices on the streets, avenues, roads, highways, and other public spaces in the the District under the jurisdiction and control of the said Mayor, such meters or devices to be located at such points as the Mayor may determine, and the said Council is authorized and empowered to make and, the Mayor to enforce, rules and regulations for the control of parking of vehicles on such streets, avenues, roads, highways, and other public spaces, and as an aid to such regulation and control of the parking of vehicles the Council may prescribe fees for the parking of vehicles where meters or devices are installed;

(6) The power to lease on competitive bids for terms not exceeding 50 years, any property acquired pursuant to this subchapter, or any other property heretofore or hereafter acquired by the District if no longer needed for the purpose for which it was acquired, and to stipulate in any such lease that the lessee shall erect at his or its expense a structure or structures on the land leased, which structure or structures and property shall be used, maintained and operated for the purposes of this subchapter, including purposes incidental

thereto, subject to regulation as provided in paragraph (4) of this section, except that the rates for use of space in parking facilities covered by any such lease shall be fixed and regulated by the Council so as to allow to the lessee a fair return, as fixed by the Mayor, on the cost of such structure or structures, together with an amount sufficient to amortize within the term of any such lease the cost of such structure or structures. Every such lease shall be entered into upon such terms and conditions as the Mayor shall impose including, but not limited to, requirements that such structure or structures shall conform with plans and specifications approved by the Mayor, that such structure or structures shall become the property of the District upon termination or expiration of any such lease; that the lessee shall furnish security in the form of a penal bond or otherwise to guarantee fulfillment of his or its obligations, and any other requirement which, in the judgment of the Mayor, shall be related to the accomplishment of the purposes of this subchapter;

(7) The power to use moneys in the fund established by § 50-2607 for the purpose of widening or channelizing streets or making other street improvements to correct or improve traffic conditions in the vicinity of off-street parking facilities, and to correct traffic conditions resulting from a lack or shortage of parking facilities.

(8)(A) The following amounts collected from the parking of vehicles where meters or devices are installed shall be dedicated to paying a portion of the District's annual operating subsidies to the Washington Metropolitan Area Transit Authority:

(i) $30,578,700 for fiscal year 2013;

(ii) $30,578,700 for fiscal year 2014;

(iii) $30,976,223 for fiscal year 2015; and

(iv) $31,378,914 for fiscal year 2016, and each year thereafter.

(B) Pursuant to § 50-2531.01, one-half of the net revenue derived from any modifications to meter rates, meter hours, or metered areas within each performance parking zone shall be deposited in the Performance Parking Fund; provided, that the net revenue:

(i) For performance parking zones established:

(I) After September 30, 2012, shall be the amount in excess of the revenue that would have been collected if the Mayor had kept the meter rates, meter hours, and metered areas in effect as of September 30, 2012; and

(II) Before October 1, 2011, shall be the amount in excess of the revenue that would have been collected if the Mayor had kept the meter rates, meter hours, and metered areas in effect as of September 30, 2011;

(ii) For the H Street Performance Parking Zone shall be the amount in excess of the revenue that would have been collected if the Mayor kept the meter rates, meter hours, and metered areas in effect as of June 1, 2012.

(C) Other fees collected for the parking of vehicles where meters or devices are installed shall be dedicated to the Sustainable Transportation Fund established by § 50-921.15.

(Feb. 16, 1942, 56 Stat. 91, ch. 76, § 3; Dec. 16, 1944, 58 Stat. 808, ch. 595, § 1; June 19, 1948, 62 Stat. 565, ch. 599; Aug. 20, 1958, 72 Stat. 686, Pub. L. 85-692,

§ 1; July 29, 1970, 84 Stat. 587, Pub. L. 91-358, title I, § 166(g); Sept. 26, 1980, D.C. Law 3-108, § 3(a), (b), 27 DCR 3781; Nov. 16, 2006, D.C. Law 16-175, § 4(b), 53 DCR 6499; Sept. 20, 2012, D.C. Law 19-168, §§ 6004, 6025, 59 DCR 8025.)

Section references. — This section is referenced in § 9-1111.15, § 50-921.14, and § 50-921.15.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 deleted " in addition to those mechanical parking meters and devices installed pursuant to the authority conferred on the said Mayor by § 50-2633" at the end of (5); and added (8).

Temporary Amendment of Section.

Section 2 of D.C. Law 19-134 added par. (8) to read as § follows:

"(8) As of October 1, 2011, all fees collected for the parking of vehicles where meters or devices are installed shall be dedicated annually to paying the District's annual operating subsidies to the Washington Metropolitan Area Transit Authority, except for fees collected in performance parking pilot zones, pursuant to the Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 et seq.) ('2008 act'), and dedicated in section 5 of the 2008 act.".

Section 4(b) of D.C. Law 19-341 provided that the act shall expire after 225 days of its having taken effect.

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Subchapter III. Miscellaneous.

§ 50-2633. Parking meters. [Repealed].

Repealed.

(April 4, 1938, 52 Stat. 192, ch. 62, § 11; Apr. 8, 2011, D.C. Law 18-370,§ 628, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 6082, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6003, 59 DCR 8025.)

Legislative history of Law 19-168 — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

TITLE 51. SOCIAL SECURITY.

Chapter 1. Unemployment Compensation.

Subchapter I. General.

PART A.

ADMINISTRATION OF THE DISTRICT UNEMPLOYMENT FUND.

§ 51-101. Definitions.

Section references. — This section is referenced in § 51-103, § 51-106, § 51-107, § 51-108, § 51-109, § 51-110, § 51-113, and § 51-171.

CASE NOTES

Analysis

Employer.
—Temporary staffing agency, employer.

Employer.

— Temporary staffing agency, employer.

For purposes of determining eligibility for unemployment compensation, employee of temporary staffing firm voluntarily left her employment when she ceased working for it to take an assignment with employer's competitor, even though she never formally resigned from the firm, but instead registered with and took a work assignment from another temp agency, where during the time she was assigned to assignment by competitor, she performed no services for her original employer and neither earned nor received compensation from original employer. Pyne v. MB Staffing Servs., LLC, 39 A.3d 1258, 2012 D.C. App. LEXIS 128 (2012).

§ 51-103. Employer contributions.

(a) Each employer who employs 1 or more individuals in any employment shall for each month, beginning with the month of January 1936, and ending December 31, 1939, pay contributions equal to the following percentages of the total wages payable (regardless of the time of payment) with respect to such employment by him during such month:

(1) With respect to employment during the calendar year 1936, the rate shall be 1%;

(2) With respect to employment during the calendar year 1937, the rate shall be 2%;

(3) With respect to employment during the calendar years 1938 and 1939, the rate shall be 3%.

(b) Each employer shall pay contributions equal to 2.7% of wages paid by him during the calendar year 1940 and thereafter with respect to employment after December 31, 1939. After December 31, 1978, each employer shall pay contributions at the rate in effect for the current year as provided by subsections (c)(3), (c)(4)(B), and (c)(8)(A) of this section.

(c)(1) The Director shall maintain a separate account for each employer, and shall credit his account with all of the contributions paid by him after June 30, 1939, with respect to employment subsequent to May 31, 1939; provided, that contributions received after July 1, 1981, by reason of the solvency tax set forth in paragraph (4)(B)(ii) of this subsection shall not be credited to the separate account of each employer. Each year the Director shall credit to each of such accounts having a positive reserve on the computation date, the interest earned from the federal government in the following manner: Each year the ratio of the credit balance in each individual account to the total of all the credit balances in all employer accounts shall be computed as of such computation date, and an amount equal to the interest credited to the District's account in the Unemployment Trust Fund in the Treasury of the United States for the 4 most recently completed calendar quarters shall be credited prior to the next computation date on the pro rata basis to all employers' accounts having a credit balance on the computation date. Such amount shall be prorated to the individual accounts in the same ratio that the credit balance in each individual account bears to the total of the credit balances in all such accounts. In computing the amount to be credited to the account of an employer as a result of interest earned by funds on deposit in the Unemployment Trust Fund in the Treasury of the United States to the account of the District, any voluntary contribution made by an employer after June 30th of any year shall not be considered a part of the account balance of the employer until the next computation date occurring after such voluntary contribution was made. Nothing in this subchapter shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the Fund either on his own behalf or on behalf of such individuals.

(2)(A) Benefits paid to an individual with respect to any week of unemployment which was based on an initial claim filed after June 30, 1939, and before July 1, 1940, shall be charged against the account of his most recent employer. Benefits paid to an individual on an initial claim for benefits filed after June 30, 1940, shall be charged against the accounts of his base period employers, except as specifically provided by subparagraphs (B), (C), (D), and (E) below. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wages paid to the individual by such employer bear to the total amount of the base period wages paid to the individual by all of his base period employers. All base period employers whose accounts could be charged with benefits paid to an individual with respect to a claim made pursuant to this subchapter shall be given notice of potential charges.

(B) After December 31, 1971, benefits paid to an individual for any week during which he is attending a training or retraining course under the provision of § 51-110(d)(2) shall not be charged against such employer accounts, except that this subparagraph shall not apply to employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(C) After December 31, 1971, extended benefits paid to an exhaustee under the provisions of § 51-107(g) shall not be charged against such employer accounts, except that this provision shall not apply to employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(D) Commencing with the first full calendar quarter following the effective date of this subchapter, but no earlier than January 1, 1979, benefits paid to an individual subsequent to a disqualification imposed under the provisions of § 51-110(a) or (b) shall not be charged against such employer accounts, except that this provision shall not apply to employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(E) Benefits paid to an individual with respect to any week of unemployment during which the individual is a continuing part-time employee of an employer other than the separating employer shall not be charged to the continuing employer's account, except this provision shall not apply to those employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(3)(A) After January 1, 1983, each employer newly subject to this subchapter shall pay contributions at a rate equal to the average rate on taxable wages of all employers for the preceding 12-month period ending June 30th (rounded to the next higher tenth of 1%) or 2.7%, whichever is higher, until he has been an employer for a sufficient period to meet the requirement to qualify for a reduced rate based on experience as provided in paragraph (4) of this subsection.

(B) Employers electing to become liable for payments in lieu of contributions shall make payments pursuant to subsection (h) of this section.

(4)(A) After December 31, 1978, contribution rates of all employers whose accounts could have been charged with benefits paid throughout the 36-consecutive-calendar-month period ending on the computation date applicable to such year or part thereof shall be determined in accordance with the provisions of subparagraph (B) of this paragraph.

(B)(i) If the balance of the Fund referred to in § 51-106 as of September 30, in any calendar year exceeds 3% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table I in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(ii) If the balance of the Fund as of September 30 in any calendar year shall be greater than 2.5% but not in excess of 3% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table II in subsection (c)(8)(A) of this section shall be used to compute the rates for employers pursuant to subparagraph (A) of this paragraph.

(iii) If the balance of the Fund as of September 30 in any calendar year shall be greater than 2% but not in excess of 2.5% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table III in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(iv) If the balance of the Fund on September 30 of any calendar year shall be greater than 1.5% but not in excess of 2% of the total payrolls subject to contributions on the preceding June 30, Table IV in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(v) If the balance of the Fund on September 30 of any calendar year shall be greater than .8% but not in excess of 1.5% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table V in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(vi) If the balance of the Fund on September 30 of any calendar year shall not be greater than .8% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table VI in subsection (c)(8)(A) of this section shall be used to compute employer rates pursuant to subparagraph (A) of this paragraph.

(C) When the Director finds that the continuity of an employer's employment experience has been interrupted solely by reason of 1 or more of the owners, officers, managers, partners, or majority stockholders of such employer's employing enterprise having served in the armed forces of the United States of America or any of its allies during a time of war, such employer's employment experience shall be deemed to have been continuous throughout the period that such individual or individuals so served in such armed forces, including the period up to the time it again resumes the status of an employer liable for contributions under this subchapter, provided it resumes such status within 2 years from the date of discharge of such individual or individuals or from the date of the termination of such war, whichever date is the earlier. For the purposes of this subparagraph, in determining an employer's contribution rate his average annual payroll shall be the average of his last 3 annual payrolls.

(5) The Director shall for any uncompleted portion of the calendar year beginning July 1, 1943, and for each calendar year thereafter classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts, except as provided in subsection (c)(3) of this section. Each employer's contribution rate for each subsequent year or part thereof shall be calculated on the basis of his records filed with the Director and benefit payments disbursed through the applicable computation date. The Director shall compute rates for the second 6 months of 1963 for all employers first acquiring the necessary 12 months' benefit experience under subsection (c)(4)(A) of this section on the computation date June 30, 1963. Such rates shall be based upon such employer's experience in the payment of contributions and benefits charged against his account through June 30, 1963, prior to the crediting of his account with Trust Fund interest.

All employers issued a rate for the second 6 months of 1963, under this subsection, shall have a computation date of September 30, 1963, for the calendar year 1964.

(6) If, as of the date such classification of employers is made, the Director finds that an employing unit has failed to file any report in connection therewith, or has filed a report which the Director finds incorrect or insufficient, the Director shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to it at the time, and notify the employing unit thereof by registered mail addressed to its last-known address. Unless such employing unit shall file the report or a correct or sufficient report, as the case may be, within 15 days after the mailing of such notice, the Director shall compute such employing unit's rate of contribution on the basis of such estimates, and the rates so determined shall be subject to increase, but not to reduction, on the basis of subsequently ascertained information.

(7)(A) After December 31, 2005, if any employer transfers all or a portion of its trade or business to another employer, the transferee shall be determined a successor for the purposes of this section.

(i) If the Director is unable to get information upon which to determine what portion of the business has been transferred, the Director may, in the Director's discretion, make such determination based upon the quarterly payrolls of the employers involved for the last complete calendar quarter prior to the transfer and the first complete calendar quarter after such transfer.

(ii) In the event of a transfer of a portion of the assets of a covered employer's business by any means whatever, otherwise than in the ordinary course of trade, such transfer shall be deemed a transfer of business and shall constitute the transferee a successor hereunder, unless the director, on the Director's own motion or on application of an interested party, finds that all of the following conditions exist:

(I) The transferee has not assumed any of the transferor's obligations;

(II) The transferee has not continued or resumed transferor's goodwill;

(III) The transferee has not continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

(IV) The transferee has not employed substantially the same employees as those the transferor had employed in connection with the assets transferred.

(B) The successor, if not already subject to this section, shall become an "employer" subject hereto on the date of such transfer, and shall accordingly become liable for contributions hereunder from and after said date.

(C) The successor shall take over and continue the employer's account, including its reserve and all other aspects of its experience under this section, in proportion to the payroll assignable to the transferred business as determined for the purposes of this section by the Director. However, his successor shall take over only the reserve actually credited to the account of the transferor or for which the transferor has filed a claim with the Director at the

date of transfer. The successor shall be secondarily liable for any amounts owed by the employer to the Fund at the time of such transfer; but such liability shall be proportioned to the extent of the transfer of business and shall not exceed the value of the assets transferred.

(D) The benefit chargeability of a successor's account under subsection (c) of this section, if not accrued before the transfer date, shall begin to accrue on the transfer date in case the transferor's benefit chargeability was then accruing; or shall begin to accrue on the date otherwise applicable to the successor, or on the date otherwise applicable to the transferor, whichever is earlier, in case the transferor's benefit chargeability was not accruing on the transfer date. Similarly, benefits from a successor's account, if not chargeable before the transfer date, shall become chargeable on the transfer date, in case the transferor was then chargeable for benefit payments; or shall become chargeable on the date otherwise applicable to the successor or on the date otherwise applicable to the transferor, whichever is earlier, in case the transferor was chargeable for benefit payments on the transfer date.

(E) The account taken over by the successor employer shall remain chargeable with respect to accrued benefit and related rights based on employment in the transferred business, and all such employment shall be deemed employment performed for such employer.

(F) Notwithstanding any other provisions of this section, if the successor employer was an employer subject to this subchapter prior to the date of transfer, his rate of contributions the remainder of the calendar year shall be his rate with respect to the period immediately preceding his date of acquisition. If the successor was not an employer prior to the date of transfer, his rate shall be the rate applicable to the transferor or transferors with respect to the period immediately preceding the date of transfer; provided, that there was only 1 transferor or there were only transferors with identical rates; if the transferor rates were not identical, the successor's rate shall be the highest rate applicable to any of the transferors with respect to the period immediately preceding the date of transfer. The rate of the transferor, if still subject to the chapter, will not be redetermined and shall remain the rate with respect to the period immediately preceding the date of transfer.

(G) For future years, for the purposes of subsection (c) of this section, the Director shall determine the "experience under this section" of the successor employer's account and of the transferring employer's account by allocating to the successor employer's account for each period in question the respective proportions of the transferring employer's payroll, contributions, and the benefit charges which the Director determines to be properly assignable to the business transferred.

(8) Variations from the standard rates of contributions for each calendar year or part thereof shall be determined as of the applicable computation date in accordance with the following requirements:

(A) As of the computation date, the total benefits paid after June 30, 1939, then chargeable or charged to any employer's account, shall be subtracted from the total of all contributions credited to his account with respect to employment since May 31, 1939. The result of this computation shall be

known as the employer's reserve and the employer's contribution rate for the ensuing calendar year shall be established under Table I, II, III, IV, V, or VI of this subparagraph in accordance with the provisions of paragraph (4)(B) of this subsection.

TABLE I

0.1% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

0.2% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

0.5% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

0.8% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

1.1% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

1.4% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

1.7% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

2.0% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

2.6% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

2.9% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

3.2% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

4.2% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

4.5% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

4.8% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

5.1% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

5.4% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE II

0.6% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

1.0% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

1.3% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

1.6% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

1.9% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

2.1% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

2.5% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

2.7% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

2.9% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

3.1% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

3.3% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

4.6% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

4.9% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

5.2% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

5.5% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

5.8% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE III

1.0% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

1.4% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

1.7% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

2.0% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

2.5% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

2.7% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

2.9% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

3.0% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

3.2% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

3.4% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

3.6% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

5.0% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

5.3% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

5.6% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

5.9% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

6.2% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE IV

1.3% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

1.7% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

2.0% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

2.6% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

2.8% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

3.0% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

3.2% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

3.4% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

3.6% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

3.8% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

4.0% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

5.4% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

5.7% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

6.0% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

6.3% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

6.6% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE V

1.6% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

2.0% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

2.6% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

2.9% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

3.1% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

3.3% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

3.5% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

3.7% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

3.9% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

4.1% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

4.2% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

5.8% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

6.1% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

6.4% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

6.7% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

7.0% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE VI

1.9% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

2.6% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

2.9% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

3.2% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

3.4% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

3.6% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

3.8% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

4.0% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

4.2% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

4.3% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

4.4% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

6.2% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

6.5% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

6.8% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

7.1% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

7.4% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

(B) Except as otherwise provided in this section, whenever through inadvertence or mistake erroneous charges or credits are found to have been made to experience-rating accounts, the same shall be readjusted as of the date of discovery and such readjustment shall not affect any computation or rate assigned prior to the date of discovery but shall be used on the next computation date in calculating future contribution rates.

(C) Repealed.

(9) As used in this subsection:

(A) The term "annual payroll" means the total amount of wages for employment paid by an employer during a 12-month period ending 90 days prior to the computation date.

(B) The term "average annual payroll," except for the purposes of paragraph (4)(C) of this subsection, means the average of the annual payrolls

of any employer for the 3 consecutive 12-month periods ending 90 days prior to the computation date; provided, that for an employer whose account could have been charged with benefit payments throughout at least 12 but less than 36 consecutive calendar months ending on the computation date, the term "average annual payroll" means the total amount of wages for employment paid by him during the 12-month period ending 90 days prior to the computation date.

(C) The term "base-period wages" means the wages paid to an individual during his base period for employment.

(D) The term "base-period employers" means the employers by whom an individual was paid his base-period wages.

(E) The term "most recent employer" means that employer who last employed such individual immediately prior to such individual's filing an initial claim for benefits.

(10) At least 1 month prior to the final date upon which the first contributions for any calendar year or part thereof become due from any employer at a contribution rate determined under this subsection, the Director shall notify such employer of his rate of contributions and of the benefit charges upon which such rate was based. Such determination shall become conclusive and binding upon the employer unless, within 30 days after the mailing of notice thereof to his last-known address, or in the absence of mailing, within 30 days after the delivery of such notice, the employer files an application for review and a redetermination, setting forth his reasons therefor. Upon receipt of such application, the Director shall voluntarily adjust such matter or shall grant an opportunity for a fair hearing and promptly notify the employer thereof. All such hearings shall be held before a Contribution Rate Review Committee composed of 3 members who shall be employees of the Director and appointed by the Director. The findings and decision of this Committee shall not be subject to review by the Office of the Inspector General. No employer shall have standing, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability of his account of any benefits paid in accordance with a determination, redetermination, or decision pursuant to § 51-111, except on the ground that the services on the basis of which such benefits were found to be chargeable do not constitute services performed in employment for him and only in the event that he was not a party to such determination, redetermination, or decision or to any other proceedings under this subchapter in which the character of such services was determined. The employer shall be promptly notified in writing of the Director's denial of his application or of the Director's redetermination. An employer aggrieved by the Director's decision may seek review of such determination in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.

(11) After December 31, 1971, the separate account established for an employer under the provisions of paragraph (1) of this subsection shall be discontinued effective the calendar quarter next succeeding 3 calendar years after the employer has been determined out of business. Thereafter no employer shall have any right to or interest in such discontinued account.

(d) The contributions payable pursuant to subsections (b) and (c) of this section shall become due and be paid by each employer to the Director in accordance with such regulations as the Board may prescribe, and shall not be deducted in whole or in part from the wages of individuals in such employer's employ.

(e)(1) From December 31, 1939, to January 1, 1955, wages, for the purpose of this section, shall not include any amount in excess of $3,000 paid by an employer to any person arising out of his or her employment during any calendar year. From January 1, 1955, to December 31, 1971, wages shall not include any amount in excess of $3,000 actually paid by an employer to any person during any calendar year. From January 1, 1972, through December 31, 1977, inclusive, wages shall not include any amount in excess of $4,200. From January 1, 1978, through December 31, 1981, taxable wages shall not include any amount in excess of $6,000. For the purpose of determining employer contributions after January 1, 1982, the term "wages" shall not include any amount in excess of $7,500 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. § 3306), whichever is greater) actually paid by an employer to any person during the calendar year. After December 31, 1954, the term "employment" for the purpose of this subsection shall include services constituting employment under any employment security law of a state or of the federal government. After December 31, 1971, the term "employment" for the purpose of this subsection shall include services constituting employment performed in the employ of a transferor as determined under the provisions of subsection (c)(7) of this section. For the purpose of determining employer contributions after January 1, 1983, the term "wages" shall not include any amount in excess of $8,000 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. § 3306), whichever is greater) actually paid by an employer to any person arising out of employment during any calendar year.

(2) After January 1, 1993, the term "wages" shall not include any amount in excess of $9,000 actually paid to any person arising out of employment in any succeeding calendar year.

(3) After January 1, 1994, the term "wages" shall not include any amount in excess of $9,500 actually paid to any person arising out of employment in any succeeding calendar year; provided, however that should the balance in the Fund referred to in § 51-106 exceed $40 million as of September 30, 1993, then the term "wages" contained in paragraph (2) of this subsection shall be applicable.

(4) After January 1, 1995, the term "wages" shall not include any amount in excess of $10,000 actually paid to any person arising out of employment in any succeeding calendar year; provided, however, that should the balance in the Fund referred to in § 51-106 exceed $80 million as of September 30, 1994, then the term "wages" contained in paragraph (3) of this subsection shall be applicable; be it further provided, however, that if the term "wages" has the same meaning as in paragraph (2) of this subsection as of December 31, 1994, then the term "wages" shall not include any amount in excess of $9,500

actually paid to any person arising out of employment in any succeeding calendar year.

(5) After January 1, 1996, the term "wages" shall not include any amount in excess of $10,000 actually paid to any person arising out of employment in any succeeding calendar year; provided, however, that should the balance in the Fund referred to in § 51-106 exceed $120 million as of September 30, 1995, then the term "wages" contained in paragraph (4) of this subsection shall be applicable.

(6) After January 1, 1997, the term "wages" shall not include any amount in excess of $9,000 actually paid to any person arising out of employment in 1997 or in any succeeding calendar year.

(f)(1) In the event the District of Columbia should elect to cover employees under this subchapter under the provisions of § 51-101(2)(H)(i), or in the event any of its instrumentalities are required to be covered under this subchapter, in lieu of contributions required of employers under this subchapter, the District of Columbia shall pay into the Fund an amount equivalent to the amount of benefits paid to individuals based on wages paid by the District. If benefits paid an individual are based on wages paid by the District of Columbia and 1 or more other employers, the amount payable by the District to the Fund shall bear the same ratio to total benefits paid to the individual as the base-period wages paid to the individual by the District of Columbia bears to the total amount of the base-period wages paid to the individual by all of his base-period employers.

(2) The amount of payment required under this section shall be ascertained by the Director quarterly and shall be paid from the general funds of the District at such time and in such manner as the Mayor of the District of Columbia may prescribe except that to the extent that benefits are paid on wages paid by the District from special administrative funds, the payment by the District into the Unemployment Fund shall be made from such special funds. The District of Columbia shall be liable only for 50% of any extended benefits paid.

(3) After December 31, 1977, the District shall be provided the option of financing the costs of benefits paid to employees of the District by electing to pay contributions under the provisions of subsection (c) of this section or by electing to become liable for payments in lieu of contributions under the same terms and conditions provided for nonprofit organizations in subsection (h) of this section, except as provided in the following sentence. For weeks of unemployment beginning January 1, 1979, and thereafter, the District will be chargeable if it elects to pay contributions, or will be liable if it elects to make payments in lieu of contributions, for the cost of regular benefits plus 100% of any extended benefits paid that are attributable to service in the employ of the District.

(g) Contributions due under this subchapter with respect to wages for insured work shall, for the purpose of this section, be deemed to have been paid to the Fund as of the date payment was made as contributions therefor under another state or federal employment security law if payment into the Fund of such contributions is made on such terms as the Director finds will be fair and

reasonable as to all affected interests; provided, that liability to the Fund shall not exceed contributions for the 3 calendar years next preceding the quarter in which liability was determined. Payments to the Fund under this subsection shall be deemed to be contributions for purposes of this section.

(h) Notwithstanding any other provisions of this section, benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection and subsection (i) of this section, a nonprofit organization is an organization (or group of organizations) described in § 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under § 501(a) of such Code.

(1) Any nonprofit organization which, pursuant to § 51-101(2)(A)(iii), is, or becomes, subject to this subchapter on or after January 1, 1972, shall pay contributions under the provisions of subsection (c) of this section, unless it elects, in accordance with this paragraph to pay to the Director for the District Unemployment Fund an amount equal to the amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

(A) Any nonprofit organization which is, or becomes, subject to this subchapter on January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than 1 taxable year beginning with January 1, 1972; provided, that it files with the Director a written notice of its election within the 30-day period immediately following such date or within a like period immediately following the date of enactment of this subparagraph whichever occurs later.

(B) Any nonprofit organization which becomes subject to this subchapter after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of that and the next year beginning with the date on which such liability begins by filing a written notice of its election with the Director not later than 30 days immediately following the date of the determination of such liability.

(C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this paragraph will continue to be liable for payments in lieu of contributions until it files with the Director a written notice terminating its election not later than 30 days prior to the beginning of the taxable year for which such termination shall first be effective.

(D) Any nonprofit organization which has been paying contributions under this subchapter for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the Director not later than 30 days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminal by the organization for that and the next year.

(E) The Director may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(F) The Director, in accordance with such regulations as the Board may prescribe, shall notify each nonprofit organization of any determination which the Director may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of subsection (c) of this section.

(G) Any nonprofit organization which elects to make payments in lieu of contributions into the District Unemployment Compensation Fund as provided in this paragraph shall not be liable to make such payments with respect to the benefits paid to any individual whose base-period wages include wages for previously uncovered services as defined in § 51-101(3)(c) to the extent that the Unemployment Compensation Fund is reimbursed for such benefits pursuant to § 121 of the Unemployment Compensation Amendments of 1976 (26 U.S.C. § 3304, note).

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B) of this paragraph.

(A) At the end of each calendar quarter, or at the end of any other period as determined by the Director, the Director shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such organization.

(B)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this subparagraph. Such method of payment shall become effective upon approval by the Director.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the Director, the Director shall bill each nonprofit organization for an amount representing 1 of the following:

(I) For 1972, one-fourth of 1% of its total payroll for 1971;

(II) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the Director shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year;

(III) For any organization which did not pay wages throughout the 4 calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the Director shall determine.

(iii) At the end of each taxable year, the Director may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the Director shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization.

Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with subparagraph (C) of this paragraph. If the total payments exceed the amount so determined for the taxable year, all or a part of the excess may, at the discretion of the Director, be refunded from the Fund or retained in the Fund as part of the payments which may be required for the next taxable year.

(C) Payment of any bill rendered under subparagraph (A) or subparagraph (B) of this paragraph shall be made not later than 30 days after such bill was mailed to the last-known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (E) of this paragraph.

(D) Payments made by a nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(E) The amount due specified in any bill from the Director shall be conclusive on the organization unless, not later than 15 days after the bill was mailed to its last-known address or otherwise delivered to it, the organization files an application for redetermination by the Director, setting forth the grounds for such application or appeal. The Director shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless the organization files an appeal as set forth in subsection (c)(10) of this section, setting forth the grounds for the appeal.

(F) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to § 51-104(c), apply to past due contributions.

(3) In the discretion of the Director, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within 30 days after the effective date of its election, to execute and file with the Director a surety bond approved by the Director, or it may elect instead to deposit with the Director money. The amount of such bond or deposit shall be determined in accordance with the provisions of this paragraph.

(A) The amount of the bond or deposit required by this paragraph shall be equal to one-fourth of 1% of the organization's total wages paid for employment as defined in § 51-101(2)(A)(iii) for the 4 calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such 4 calendar quarters, the amount of the bond or deposit shall be as determined by the Director.

(B) Any bond deposited under this paragraph shall be in force for a period of not less than 2 taxable years and shall be renewed with the approval of the Director at such times as the Director may prescribe, but not less frequently than at 2-year intervals as long as the organization continues to be

liable for payments in lieu of contributions. The Director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within 15 days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in § 51-104(c), shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

(C) Any deposit of money in accordance with this paragraph shall be retained by the Director in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The Director may deduct from the money deposited under this paragraph by a nonprofit organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in § 51-104(c). The Director shall require the organization within 15 days following any deduction from a money deposit under the provisions of this subparagraph to deposit sufficient additional money to make whole the organization's deposit at the prior level. The Director may, at any time, review the adequacy of the deposit made by any organization. If, as the result of such review, he determines that an adjustment is necessary, he shall require the organization to make additional deposit within 15 days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate.

(D) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this paragraph, the Director may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the 4-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective; provided, that the Director may extend for good cause the applicable filing, deposit or adjustment period by not more than 15 days.

(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under paragraph (2) of this subsection, the Board may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

(5) Each employer that is liable for payments in lieu of contributions shall pay to the Director for the fund the amount of regular benefits plus one-half of the amount of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than 1 employer and 1 or more of such employers are liable for payments in lieu of contributions, the amount payable to the Fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subparagraph (A) or subparagraph (B) of this paragraph.

(A) If benefits paid to an individual are based on wages paid by 1 or more employers that are liable for payments in lieu of contributions and on wages paid by 1 or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(B) If benefits paid to an individual are based on wages paid by 2 or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(6) Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subsection (h)(1) of this section, may file a joint application to the Director for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this paragraph. Upon approval of the application, the Director shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than 2 years and thereafter until terminated at the discretion of the Director or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The Director shall prescribe such regulations as he deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments.

(i) Notwithstanding any provisions in subsection (h) of this section, any nonprofit organization that prior to January 1, 1969, paid contributions required by subsection (c) of this section and, pursuant to subsection (h) of this section, elects within 30 days after January 1, 1972, to make payments in lieu of contributions, shall not be required to make any such payment on account of any benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which began on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization.

(j) Notwithstanding any of the provisions of this subchapter, no employer's experience rating account shall be charged and no employer shall be liable for payments in lieu of contributions with respect to extended benefit payments which are wholly reimbursed to the District of Columbia by the federal government.

(k) Notwithstanding any provisions of this subchapter, no employer's experience rating account shall be charged with respect to benefits paid to any individual whose base-period wages include wages for previously uncovered services as defined in § 51-101(3)(C) to the extent that the Unemployment Insurance Fund is reimbursed for such benefits pursuant to § 121 of the Unemployment Compensation Amendments of 1976 (26 U.S.C. § 3304, note).

(l)(1) Commencing January 1, 1992, an interest surcharge of 0.1% shall be added to the contribution rate of each employer required to pay contributions by this subchapter, excepting those reimbursing employers subject to the requirements of subsection (h) of this section.

(2) All interest surcharges collected under this subsection shall be considered separate from contributions required by subsection (c) of this section and shall be deposited in the Interest Account established by § 51-114(c) and shall not be credited to the individual accounts of employers.

(3) No interest surcharge shall be required for any year following the year in which the amount of interest-bearing advances has been reduced to zero; provided, however, that an interest surcharge shall be reimposed by the Director of the Department of Employment Services ("Director") for the calendar year following any year in which an interest-bearing advance remains outstanding on October 1 and where there are not sufficient funds in the Interest Account to pay the interest due for that year.

(m)(1) Commencing January 1, 2006, an administrative funding assessment of 0.2% of all wages as defined in subsection (e)(6) of this section shall be paid by all employers liable for contributions required by subsections (b) and (c) of this section and by all employers liable for payments in lieu of contributions required by subsection (h) of this section. The administrative funding assessment shall be paid quarterly, but shall be separate and distinct from contributions or payments in lieu of contributions.

(2) All administrative funding assessment payments collected shall be deposited into the Unemployment and Workforce Development Administrative Fund established by § 51-114(d) and shall not be credited to the accounts of individual employers.

(3) Repealed.

(4)(A) For calendar quarters commencing after September 30, 2007, if the administrative funding assessments required by paragraph (1) of this subsection are not paid when due, there shall be added thereto interest at the rate of 1.5% per month, or fraction thereof, from the date the assessments became due until paid. Interest shall not be charged to a court-appointed fiduciary when the assessment payments are not paid timely because of a court order.

(B) If an administrative funding assessment is not paid on or before the first day of the second month following the close of the calendar quarter for which it is due, there shall be added a penalty of 10% of the amount due. The

penalty shall not be less than $100; provided, that for good cause shown, the penalty may be waived by the Director of the Department of Employment Services.

(n) Notwithstanding any other provision of this subchapter, all assignments of contribution rates and transfers of experience in any year commencing after December 31, 2005 shall be made in accordance with the following:

(1) If an employer transfers all or a portion of its trade or business to another employer and, at the time of transfer, there exists any common ownership, management, or control of the 2 employers, the unemployment experience for the trade or business shall be transferred to the employer receiving the trade or business. The contribution rates of both employers shall be recalculated and made effective on the 1st day of the next rating year. Any penalties that may be imposed on the transfer under § 51-104 shall be retroactive to the beginning of the year in which the transfer occurred.

(2) If a person is not subject to this subchapter at the time it acquires the trade or business of an employer subject to this subchapter, the unemployment experience of that trade or business shall not be transferred if the Director determines that the acquisition was solely or primarily for purpose of obtaining a lower contribution rate. In such event, the person shall be assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

(A) The cost of acquiring the trade or business enterprise;

(B) Whether the trade or business was continued by the person after acquisition;

(C) The length of time that the trade or business was continued; and

(D) Whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for the purposes of this subchapter.

(Aug. 28, 1935, 49 Stat. 947, ch. 794, § 3; July 2, 1940, 54 Stat. 731, ch. 524, § 1; Nov. 21, 1941, 55 Stat. 781, ch. 500, § 1; Nov. 9, 1942, 56 Stat. 1016, ch. 636; June 4, 1943, 57 Stat. 105, ch. 117, § 1; July 11, 1946, 60 Stat. 527, ch. 557; July 26, 1947, 61 Stat. 494, ch. 342, §§ 1, 2; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; Aug. 31, 1954, 68 Stat. 989, ch. 1139, § 1; Mar. 30, 1962, 76 Stat. 47, Pub. L. 87-424, §§ 3-5; Sept. 27, 1962, 76 Stat. 633, Pub. L. 87-705, § 1; July 29, 1970, 84 Stat. 572, Pub. L. 91-358, title I, § 155(c)(44)(A); Dec. 22, 1971, 85 Stat. 760, Pub. L. 92-211, § 2(14)-(26); Dec. 7, 1974, 88 Stat. 1617, Pub. L. 93-515, title III, § 301(1); May 13, 1975, D.C. Law 1-2, § 1(1), 21 DCR 3941; Mar. 3, 1979, D.C. Law 2-129, § 2(h)-(q), 25 DCR 2451; Mar. 16, 1982, D.C. Law 4-86, § 2(a), (b), 29 DCR 429; Sept. 17, 1982, D.C. Law 4-147, § 2(a)-(d), 29 DCR 3347; May 7, 1983, D.C. Law 5-3, § 2(a)-(h), 30 DCR 1371; Aug. 10, 1984, D.C. Law 5-102, § 2(b), 31 DCR 2902; Mar. 13, 1985, D.C. Law 5-124, §§ 2(a)(1), (a)(2), (b), 4,

31 DCR 5165; Feb. 24, 1987, D.C. Law 6-189, § 2, 33 DCR 7935; Mar. 16, 1988, D.C. Law 7-91, § 2(a), 35 DCR 712; Mar. 16, 1993, D.C. Law 9-200, § 2(a), 39 DCR 9217; Sept. 24, 1993, D.C. Law 10-15, §§ 102, 203, 40 DCR 5420; May 16, 1995, D.C. Law 10-255, §§ 39(b), 49(d), 41 DCR 5193; Mar. 26, 1999, D.C. Law 12-175, § 202(a), 45 DCR 7193; Oct. 20, 2005, D.C. Law 16-33, § 2042(a), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-191, § 97, 53 DCR 6794; Mar. 8, 2007, D.C. Law 16-233, § 2(a), 54 DCR 374; Sept. 18, 2007, D.C. Law 17-20, § 2042(a), 54 DCR 7052; Mar. 3, 2010, D.C. Law 18-111, § 1011, 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, §§ 2192(a), 2202(a), 57 DCR 6242; Sept. 20, 2012, D.C. Law 19-168, § 2002(a), 59 DCR 8025.)

Section references. — This section is referenced in § 51-104, § 51-106, § 51-113, § 51-117, and § 51-133.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 repealed (c)(8)(C).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2002(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 2002(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

§ 51-107. Determination of amount and duration of benefits.

(a) On and after January 1, 1938, benefits shall become payable from the Benefit Account of the District Unemployment Fund. All benefits shall be paid through employment offices, in accordance with such regulations as the Board may prescribe.

(b)(1) An individual's "weekly benefit amount" shall be an amount equal to one twenty-sixth (computed to the next higher multiple of $1) of his total wages for insured work paid during that quarter of his base period in which such total wages were highest, with such other following limitations. The Director shall determine annually a maximum weekly benefit amount by computing 66⅔% of the average weekly wage paid to employees in insured work, and shall on or before January 1st of the calendar year in which it shall be effective announce by publication in at least 1 newspaper of general circulation in the District, the maximum weekly benefit amount so determined. Such computation shall be made by determining total wages reported as paid for insured work by employers in each 12-month period ending June 30th and dividing said total wages by a figure resulting from 52 times the average of mid-month employment reported by employers for the same period. For the period from March 30, 1962, to December 31, 1962, the maximum weekly benefit amount shall be determined and announced by the Director in accordance with the foregoing formula on the basis of wages and employment in the 12-month period ending June 30, 1961. The maximum weekly benefit amount so determined and announced for a calendar year shall apply only to those claims filed in that year qualifying for maximum payment under the foregoing formula. All claims

qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in said amount for a subsequent calendar year. If the maximum weekly benefit amount is not a multiple of $1, then said maximum weekly benefit amount shall be computed to the next multiple of $1.

(2)(A) Effective January 1, 1986, through December 31, 1987, the maximum weekly benefit amount shall be $250.

(B)(i) Effective January 1, 1988, and for each calendar year thereafter, the maximum weekly benefit amount shall be determined by the Director of the Department of Employment Services ("Director") by computing 50% of the average weekly wage paid to employees in insured work, unless the Director certifies to the Council on or before September 30th of the preceding year that the financial condition of the District Unemployment Compensation Trust Fund would be worsened by adoption and implementation of a maximum weekly benefit amount determined by that method. Any such certification by the Director shall be accompanied by a recommended maximum weekly benefit amount which shall not be less than the maximum weekly benefit amount then in effect and which shall become the maximum weekly benefit amount for the next calendar year, unless the Council passes a resolution disapproving the Director's recommendation within 45 days after its receipt.

(ii) For benefit years commencing on or after January 5, 1997, the maximum weekly benefit amount shall be $309.

(iii) For benefit years commencing on or after April 12, 2005, the maximum weekly benefit amount shall be $359.

(C) If the Council passes a resolution of disapproval the maximum weekly benefit amount then in effect shall continue in effect for the next calendar year.

(D) Each year the Director shall, on or before January 1st of the calendar year in which it shall be effective, announce by publication in at least 1 newspaper of general circulation in the District, the maximum weekly benefit amount.

(E) The computation of the average weekly wage paid to employees in insured work shall be made by determining total wages reported as paid for insured work by employers in each 12-month period ending March 31st and dividing said total wages by a figure resulting from 52 times the average of mid-month employment reported by employers for the same period.

(F) The maximum weekly benefit amount, however determined, announced for a calendar year shall apply only to those claims filed in that year qualifying for the maximum weekly benefit amount. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in the maximum amount for any subsequent calendar year.

(G) If the maximum weekly benefit amount, however computed, is not a multiple of $1, then it shall be rounded down to the next lower multiple of $1.

(c)(1) To qualify for benefits an individual must have:

(A) Been paid wages for employment of not less than $1300 in 1 quarter in his base period;

(B) Been paid wages for employment of not less than $1950 in not less than 2 quarters in such period; and

(C) Received during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages actually received in the quarter in such period in which his wages were the highest.

(2) If a claimant satisfies the above except that he received wages over the amount necessary to become eligible for maximum benefits, in the quarter in which his wages were the highest, then the additional wages received in such quarter shall not be considered in determining eligibility. Notwithstanding the provisions of paragraph (1)(C) of this subsection, any otherwise qualified individual, the total amount of whose wages during such period is less than the amount required to have been received during such period under such paragraph, may qualify for benefits, if the difference between the amounts so required to have been received and the total amount of his wages during such period does not exceed $70, but the amount of his weekly benefit, as computed under subsection (b) of this section, shall be reduced by $1 if such difference does not exceed $35, or by $2 if such difference is more than $35. Wages received by an individual in the period intervening between the end of his last base period and the beginning of his last benefit year shall not be available for benefit purposes in a subsequent benefit year unless he has, subsequent to the commencement of such last benefit year, performed services for which he received wages for employment as defined in this subchapter, in an amount equal to at least 10 times the weekly benefit amount for which he qualifies in such last benefit year. Benefits payable to an individual with respect to a week shall be reduced, under regulations prescribed by the Board, by any amount received or applied for with respect to such week as a retirement pension or annuity under a public or private retirement plan or system provided, or contributed to, by any base period employer; except that no reduction shall be made under this sentence for any amount received under title II of the Social Security Act. For benefit years beginning on or after July 1, 2004, benefits payable to an individual who applied for or is receiving a retirement pension or annuity under a public or private retirement plan or system provided or contributed to by any base period employer shall, under duly prescribed regulations, be reduced (but not below zero) by the prorated weekly amount of such retirement pension or annuity which is reasonably attributable to such week, provided that the claimant has not made contributions to the pension or annuity. An amount received with respect to a period other than a week shall be prorated by weeks. When an individual's weekly benefit amount is reduced by a pension, the individual's maximum weekly benefit amount shall be deducted from his total amount of benefits determined pursuant to subsection (d) of this section. Benefits payable to an individual with respect to a week shall be reduced by the amount of wages received in lieu of notice of dismissal, defined as dismissal payments that the employer is not legally required to make.

(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 26 times his weekly benefit amount

or 50% of the wages for employment paid to such individual by employers during his base period whichever is the lesser; provided, that the maximum duration of benefits determined on any initial claim made prior to March 15, 1983, shall continue to be 34 weeks during the benefit year to which the initial claim relates. Such total amount of benefits, if not a multiple of $1, shall be computed to the next lower multiple of $1.

(e) Any individual who is unemployed in any week as defined in § 51-101(5) and who meets the conditions of eligibility for benefits of § 51-109 and is not disqualified under the provisions of § 51-110 shall be paid with respect to such week an amount equal to the individual's weekly benefit amount less any earnings payable to the individual with respect to such week deductible in accordance with the following formula: $20 will be added to the weekly benefit amount; from the resulting sum will be subtracted 80% of any earnings payable to the individual for such week. The resulting benefits, if not a multiple of $1, shall be computed to the next lower multiple of $1. In no event shall the amount paid for any week exceed the individual's established weekly benefit amount.

(f) In addition to the benefits payable under the foregoing subsections of this section, each eligible individual who is unemployed in any week shall be paid with respect to such week $5 for each dependent relative, but not more than $20 shall be paid to an individual as dependent's allowance with respect to any 1 week of unemployment nor shall any weekly benefit which includes a dependent's allowance be paid in the amount of more than the established maximum benefit amount. An individual's number of dependents shall be determined as of the day with respect to which he first files a valid claim for benefits in any benefit year, and shall be fixed for the duration of such benefit year. The dependent's allowance is not to be taken into consideration in calculating the claimant's total amount of benefits in subsection (d) of this section; provided, however, that this section shall not apply to claims for benefit years commencing on or after January 5, 1997.

(f-1) For claims for benefit years commencing after August 9, 2009, and before January 1, 2011, in addition to benefits payable under subsections (a) through (e) of this section, each eligible individual who is unemployed in any week shall be paid with respect to that week $15 for each dependent relative, but no more than $50 or ½ of the individual's weekly benefit amount, whichever is less, with respect to any 1 week of unemployment. The amount of the dependent's allowance paid to an individual shall not be charged to the individual account of an employer. The number of dependents of an individual shall be determined as of the day with respect to which the individual first files a valid claim for benefits in any benefit year and shall remain fixed for the duration of the benefit year. The dependent's allowance shall not be taken into consideration in the total amount of benefits calculated pursuant to subsection (d) of this section.

(g) Notwithstanding any other provisions of this section, this subsection provides a program of extended benefits on and after January 1, 1972.

(1) As used in this subsection, unless the context clearly requires otherwise:

(A) "Extended benefit period" means a period which:

(i) Begins with the third week after a week in which a state "on" indicator occurs; and

(ii) Ends with either of the following weeks, whichever occurs later:

(I) The third week after the first week for which there is a state "off" indicator; or

(II) The 13th consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to the District.

(B) For weeks commencing after September 25, 1982, there is a state "on" indicator for the District for a week if the rate of insured unemployment under this subchapter for the period consisting of such week and the immediately preceding 12 weeks:

(i) Equaled or exceeded 120% of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; and

(ii) Equaled or exceeded 5%; provided, that with respect to benefits for weeks of unemployment beginning on September 26, 1982, the determination of whether there is a state "on" or "off" indicator beginning or ending any extended benefit period shall be made under this subsection as if:

(I) This subparagraph did not contain sub-subparagraph (i) thereof; and

(II) The figure "5" contained in sub-subparagraph (ii) thereof was "6": except, that notwithstanding any such provision of this subsection any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator.

(C) There is a state "off" indicator for the District for a week if, for the period consisting of that week and the immediately preceding 12 weeks, either sub-subparagraph (i) or (ii) of subparagraph (B) of this paragraph was not satisfied.

(D) "Rate of insured unemployment", for purposes of subparagraphs (B) and (C) of this paragraph, means the percentage derived by dividing: (i) the average weekly number of individuals filing claims for regular benefits in the District for weeks of unemployment with respect to the most recent 13-consecutive-week period as determined on the basis of reports to the Secretary of Labor, by (ii) the average monthly employment covered under this subchapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

(E) "Regular benefits" means benefits payable to an individual under this subchapter or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to Chapter 85 of Title 5, United States Code) other than extended benefits.

(F) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to Chapter 85 of Title 5, United States Code) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

(G) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within the extended period, any weeks thereafter which begin in a period.

(H) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(i) Has received, prior to such a week, all of the regular benefits that were available to him under this subchapter or any state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under Chapter 85 of Title 5, United States Code) in his current benefit year that includes such a week; provided, that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefits year, he may subsequently be determined to be entitled to added regular benefits; or

(ii) His benefit year having expired prior to such a week, has no, or insufficient wages on the basis of which he established a new benefit year that would include such a week; and

(iii)(I) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the Secretary of Labor; and

(II) Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(I) "State law" means the unemployment insurance law of any state, approved by the Secretary of Labor under § 3304 of the Internal Revenue Code of 1954.

(J) The provisions of subparagraphs (A)-(G) of this paragraph shall not apply to any time these provisions are suspended temporarily or permanently by federal law. If these provisions are suspended by federal law, the provisions of this subchapter which apply to claims for and the payment of regular benefits shall apply to claims for and the payment of extended benefits.

(K)(i) For weeks of unemployment commencing March 15, 2009, there is a state "on" indicator if:

(I) The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the 3 most recent months for which data for all states are published before the close of any such week equals or exceeds 6.5%; and

(II) The average rate of total unemployment in the District (seasonally adjusted), as determined by the United States Secretary of Labor, for the 3 months referred to in sub-sub-subparagraph (I) of this sub-subparagraph equals or exceeds 110% of such average rate for either of the corresponding 3-month periods ending in the 2 preceding calendar years.

(ii) There is a state "off" indicator pursuant to this subparagraph for weeks of unemployment commencing December 6, 2009, or such other week as the Congress may specify in any subsequent amendment to section 2005 of the Assistance for Unemployed Workers and Struggling Families Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 436).

(L)(i) For weeks of unemployment commencing March 15, 2009, there is a state high unemployment period "on" indicator if the total unemployment insurance rate as established in subparagraph (K) of this paragraph equals or exceeds 8%.

(ii) Notwithstanding the provisions of paragraph 5(A) of this subsection, the total unemployment extended benefit amount payable to any individual pursuant to this subparagraph shall be the least of the following amounts:

(I) Eighty percent of the total amount of regular benefits (including any applicable dependents' allowance) that were payable to the individual under this subchapter in the individual's applicable benefit year;

(II) Twenty times the individual's weekly benefit amount (including any applicable dependents' allowance) which was payable to the individual under this subchapter for a week of total unemployment in the applicable benefit year; or

(III) Forty-six times the individual's weekly benefit amount (including any applicable dependents allowances) for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits that were paid (or deemed paid) to the individual under this subchapter with respect to the benefit year.

(iii) There is a state "off" indicator pursuant to this subparagraph for weeks of unemployment commencing December 6, 2009, or such other week as the Congress may specify in any subsequent amendment to section 2005 of the Assistance for Unemployed Workers and Struggling Families Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 436).

(2) Except when the result would be inconsistent with the other provisions of this subsection, as provided in the regulations of the Board, the provisions of this subchapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(3) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Director finds that with respect to such week:

(A) He is an "exhaustee" as defined in paragraph (1)(H) of this subsection;

(B) He has satisfied the requirements of this subchapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; and

(C) Notwithstanding any other provisions of this paragraph, an individual shall not be eligible for extended benefits if his monetary eligibility for regular benefits was based upon the total base period wages that did not exceed his highest quarterly wages by at least 1½ times.

(4) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly basic or augmented benefit amount, whichever is appropriate, payable to him during his applicable benefit year.

(5)(A) The total extended benefit amount payable to any eligible individual with respect to his applicable year shall be the least of the following amounts:

(i) Fifty percent of the total amount of regular benefits (including dependents' allowances) which were payable to him under this subchapter in his applicable benefit year;

(ii) Thirteen times his weekly benefit amount (including dependents' allowances) which was payable to him under this subchapter for a week of total unemployment in the applicable benefit year; or

(iii) Thirty-nine times his weekly benefit amount (including dependents' allowances) which was payable to him under this subchapter for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this subchapter with respect to the benefit year.

(B) For purposes of this paragraph, the total regular benefit amount shall be that amount (including dependents' allowances) provided in the individual's monetary determination or the amount of regular benefits (including dependents' allowances) actually received, whichever is the greater.

(C) Notwithstanding any other provisions of this paragraph, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such an individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(6)(A) Whenever an extended benefit period is to become effective in the District (or in all states) as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in the District as a result of state and national "off" indicators, the Director shall make an appropriate public announcement as provided in the regulations of the Board.

(B) Computations required by the provisions of paragraph (1)(F) of this subsection shall be made by the Director in accordance with regulations prescribed by the Secretary of Labor.

(7)(A) In weeks commencing after June 30, 1981, except as provided in subparagraph (B) of this paragraph, an individual shall not be eligible for extended benefits for such week if:

(i) Extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate payment plan; and

(ii) No extended benefit period is in effect for such week in such state.

(B) Subparagraph (A) of this paragraph shall not apply with respect to the first 2 weeks for which extended benefits are payable (as determined

without regard to this paragraph) pursuant to an interstate benefit payment plan to the individual with respect to the benefit year.

(8)(A) Notwithstanding the provisions of subparagraph (B) of this paragraph, an individual shall be ineligible for payment of extended benefits for any week of unemployment commencing after March 31, 1981, in his eligibility period if the Director finds that during such period:

(i) He failed to accept any offer of suitable work (as defined under subparagraph (C) of this paragraph) or failed to apply for any suitable work to which he was referred by the Director; or

(ii) He failed to actively engage in seeking work as prescribed under subparagraph (E) of this paragraph.

(B) Any individual who has been found ineligible for extended benefits by reason of the provisions in subparagraph (A) of this paragraph shall also be denied benefits beginning with the first day of the week following the week in which such failure occurred and until he has been employed in each of 10 subsequent weeks (whether or not consecutive) and has earned remuneration equal to not less than 10 times the extended weekly benefit amount.

(C) For purposes of this paragraph, the term "suitable work" means, with respect to any individual, any work which is within such individual's capabilities; provided, that the gross average weekly remuneration payable for the work must:

(i) Exceed the sum of:

(I) The individual's extended weekly benefit amount as determined under paragraph (4) of this subsection plus;

(II) The amount, if any, of supplemental unemployment benefits (as defined in 26 U.S.C. § 501(c)(17)(D)) payable to such individual for such week; and

(ii) Pay wages not less than the higher of:

(I) The minimum wage provided by 29 U.S.C. § 206 without regard to any exemption; or

(II) The applicable state or local minimum wage; provided, further, that no individual shall be denied extended benefits for failure to accept an offer of suitable work or apply for any job which meets the definition of suitability as described above if:

(aa) The position was not offered to such individual in writing or was not listed with the employment service;

(bb) Such failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in § 51-110(c) to the extent that the criteria of suitability in that section are not inconsistent with the provisions of this subparagraph; or

(cc) The individual furnishes satisfactory evidence to the Director that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the definition of suitable work for regular benefit claimants in § 51-110(c) without regard to the definition specified by this subparagraph.

(D) Notwithstanding the provisions of subparagraph (B) of this paragraph to the contrary, no work shall be deemed to be suitable work for an individual which does not accord with the labor standard provisions required by 26 U.S.C. § 3304(a)(5) and set forth under § 51-110(d)(1).

(E) For the purposes of subparagraph (A)(i) of this paragraph, an individual shall be treated as actively engaged in seeking work during any week if:

(i) The individual has engaged in a systematic and sustained effort to obtain work during such week; and

(ii) The individual furnishes tangible evidence that he has engaged in such effort during such week.

(F) The employment service shall refer any claimant entitled to extended benefits under this section to any suitable work which meets the criteria prescribed in subparagraph (C) of this paragraph.

(G) An individual shall not be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period if such individual has been disqualified for regular benefits or extended benefits under this section because the individual voluntarily left his most recent work without good cause connected with the work, was discharged for misconduct, or failed to accept an offer of or apply for suitable work, unless such individual has returned to work, has been employed at least 10 weeks, and has earned an amount equal to or greater than 10 times his weekly benefit.

(H) During the extended benefit period, the eligibility requirements of this paragraph shall also apply to those weeks of benefits for which sharable compensation is payable under the terms of 26 U.S.C. § 3304.

(h) Effective October 1, 1983, in the calculation of an individual's weekly benefit amount, all amounts shall be rounded down to the next lower dollar.

(i) Repealed.

(Aug. 28, 1935, 49 Stat. 949, ch. 794, § 8; July 2, 1940, 54 Stat. 732, ch. 524, § 1; renumbered § 7, June 4, 1943, 57 Stat. 112, ch. 117, § 1; Aug. 31, 1954, 68 Stat. 993, ch. 1139, § 1; Mar. 30, 1962, 76 Stat. 48, Pub. L. 87-424, §§ 5, 6, 7; Dec. 22, 1971, 85 Stat. 768, Pub. L. 92-211, § 2(35)-(37); May 13, 1975, D.C. Law 1-2, § 1(2), 21 DCR 3941; Mar. 3, 1979, D.C. Law 2-129, § 2(s)-(v), 25 DCR 2451; Sept. 16, 1980, D.C. Law 3-102, § 7, 27 DCR 3630; Feb. 4, 1982, D.C. Law 4-64, § 2, 28 DCR 4936; Mar. 16, 1982, D.C. Law 4-86, § 2(d), 29 DCR 429; Sept. 17, 1982, D.C. Law 4-147, § 2(f), (g), 29 DCR 3347; May 7, 1983, D.C. Law 5-3, § 2(k)-(o), 30 DCR 1371; Aug. 2, 1983, D.C. Law 5-24, § 8, 30 DCR 3341; Aug. 10, 1984, D.C. Law 5-102, § 2(c)-(e), 31 DCR 2902; Mar. 13, 1985, D.C. Law 5-124, § 2(d), 31 DCR 5165; Mar. 14, 1985, D.C. Law 5-159, § 7, 32 DCR 30; Mar. 16, 1988, D.C. Law 7-91, § 2(b), 35 DCR 712; Feb. 5, 1994, D.C. Law 10-68, § 40(b), 40 DCR 6311; May 16, 1995, D.C. Law 10-255, § 49(a), 41 DCR 5193; Apr. 9, 1997, D.C. Law 11-255, § 52(a), 44 DCR 1271; Mar. 26, 1999, D.C. Law 12-175, § 202(b), (c), 45 DCR 7193; Apr. 20, 1999, D.C. Law 12-261, § 4002(a), 46 DCR 3142; Apr. 5, 2005, D.C. Law 15-282, § 2, 52 DCR 849; Apr. 12, 2005, D.C. Law 15-325, § 2, 52 DCR 851; Apr. 13, 2005, D.C. Law 15-354, § 101, 52 DCR 2638; Mar. 2, 2007, D.C. Law 16-191, § 90, 54

DCR 6794; Dec. 17, 2009, D.C. Law 18-95, § 2, 56 DCR 8524; July 23, 2010, D.C. Law 18-192, § 2(a), 57 DCR 4500; Sept. 20, 2012, D.C. Law 19-168, § 2002(b), 59 DCR 8025.)

Section references. — This section is referenced in § 51-101, § 51-103, § 51-109, § 51-110, § 51-113, § 51-116, and § 51-177.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 repealed (i).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2002(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 2002(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative history of Law 19-168. — See note to § 51-103.

§ 51-109. Eligibility for benefits.

Section references. — This section is referenced in § 51-107, § 51-109.01, and § 51-110.

CASE NOTES

Analysis

Voluntariness of resignation.
—In general.

Voluntariness of resignation.

— In general.

Unemployment compensation claimant, who voluntarily quit her job after employer cut her hours, and thus her wages, by 25% and reduced her employee benefits, had burden to show that she acted as a reasonable and prudent person in the labor market would have done in the same circumstances, and appellate court could not accept uncritically claimant's conclusory testimony that the reduction in compensation created a hardship. Consumer Action Network v. Tielman, 2012 WL 3508521 (2012).

§ 51-110. Disqualification for benefits.

Section references. — This section is referenced in § 51-101, § 51-103, § 51-107, § 51-109, and § 51-111.

CASE NOTES

Analysis

Findings and conclusions of law.
Misconduct of employee.
—Absence or tardiness, misconduct of employee.
—Employer rule violations, misconduct of employee.
Voluntary abandonment of employment.
—Good cause generally, voluntary abandonment of employment.
—Weight and sufficiency of evidence, voluntary abandonment of employment.

Findings and conclusions of law.

In proceeding denying terminated employee unemployment compensation, administrative law judge failed to make sufficiently specific findings as to either the standard of behavior that employee allegedly disregarded and how she disregarded it, or whether employee's noncompliance with the standard was knowing and intentional, which were necessary for a finding that employee was discharged for misconduct and was therefore ineligible for benefits. Scott v. Behavioral Research Assocs., 43 A.3d 925, 2012 D.C. App. LEXIS 222 (2012).

Administrative law judge (ALJ) erred when she failed to include adequately in her calculus unemployment compensation claimant's uncontradicted testimony, and the documentary evidence supporting that testimony, relating to the circumstances of her absences and single tardiness, and therefore, ALJ's order, denying claimant unemployment benefits, could not stand; ALJ disregarded claimant's uncontradicted testimony that she had flat tire while en route to work and that she had made extensive efforts

to bring the problem to the employer's attention. Hamilton v. Hojeij Branded Food, Inc., 41 A.3d 464, 2012 D.C. App. LEXIS 143 (2012).

Misconduct of employee.

— Absence or tardiness, misconduct of employee.

Although employer might reasonably have believed, in light of claimant's absences, that it would be to its economic advantage to replace her, such a belief did not automatically warrant the denial of unemployment compensation benefits, and instead, proof by the employer that claimant was fired for misconduct, either gross or simple, was required. Hamilton v. Hojeij Branded Food, Inc., 41 A.3d 464, 2012 D.C. App. LEXIS 143 (2012).

— Employer rule violations, misconduct of employee.

Employee's failure to come in for an investigative interview within five days of reporting client-on-client abuse at residential facility for physically and mentally challenged individuals did not amount to gross misconduct precluding eligibility for unemployment compensation; employer did not present evidence that employee's failure to cooperate with its investigation was a repeat offense or that its business had suffered or in fact was threatened with grave consequences as a result of employee's conduct. Scott v. Behavioral Research Assocs., 43 A.3d 925, 2012 D.C. App. LEXIS 222 (2012).

Voluntary abandonment of employment.

— Good cause generally, voluntary abandonment of employment.

Employee who voluntarily left job with temporary staffing firm did not show good cause in connection with her work for leaving the firm, and thus, she was ineligible for unemployment compensation, where employee left firm to join another competing firm because she preferred to remain at her current assignment rather than be transferred by original employer to another assignment. Pyne v. MB Staffing Servs., LLC, 39 A.3d 1258, 2012 D.C. App. LEXIS 128 (2012).

— Weight and sufficiency of evidence, voluntary abandonment of employment.

Substantial evidence supported administrative law judge's (ALJ) finding that unemployment compensation claimant quit due to the reduction in her wages and the decrease in employer's coverage of her health insurance premiums; both at the hearing before the ALJ and in her resignation letter, claimant explicitly cited the "reduction in hours" and the corresponding "25% drop in pay" as the reason for her departure, and she also mentioned the increased cost of her health insurance premiums, and claimant acknowledged that her work situation had been deteriorating for a while, but explained that having it now affect her finances as well as everything else just was the last straw. Consumer Action Network v. Tielman, 2012 WL 3508521 (2012).

§ 51-111. Determination of claims; hearing; appeal; witness fees.

(a) Claims for benefits shall be made in accordance with such regulations as the Director may prescribe. Each employer shall post and maintain in places readily accessible to individuals in his service printed statements concerning such regulations or such other matters as the Director may by regulations prescribe. Each employer shall supply such individuals with copies of such printed statements or materials relating to claims for benefits as the Director may by regulation prescribe. Such printed statements or materials shall be supplied by the Director to each employer without cost to him.

(b) Promptly after an individual has filed a claim for benefits, an agent of the Director designated by it for such purpose shall make an initial determination with respect thereto which shall include a determination with respect to whether or not such benefit may be payable, and if payable, the week with respect to which payments will commence, the maximum duration thereof, and the weekly benefit amount, except that in any case in which the payment or denial of benefits will be determined by the provisions of § 51-110(e), the agent shall promptly transmit such claim to an appeal tribunal which shall make a decision thereon after such investigation as it deems necessary, and after affording the parties opportunity for fair hearing in accordance with subsec-

tion (e) of this section, and the claimant and interested parties shall be given notice thereof and permitted to appeal therefrom to the Director and the courts as is provided in this subchapter for notice of, and appeals from, decisions of appeal tribunals. An initial determination may, for good cause, be reconsidered. The claimant and other parties to the proceedings shall be promptly notified of the initial determination or any amended determination and the reasons therefor. Benefits shall be denied or, if the claimant is otherwise eligible, paid promptly in accordance with such initial determination except as hereinafter otherwise provided. The Director shall promptly notify the claimant and any party to the proceeding of its determination, and such determination shall be final within 15 calendar days after the mailing of notice thereof to the party's last-known address or in the absence of such mailing, within 15 calendar days of actual delivery of such notice. The 15-day appeal period may be extended if the claimant or any party to the proceeding shows excusable neglect or good cause. The exception for good cause or excusable neglect shall apply to all claims pending on July 23, 2010, including those in which an appeal has been filed in the Office of Administrative Hearings or in which a petition for review has been filed in the District of Columbia Court of Appeals. If an appeal tribunal affirms an initial determination allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken. If, subsequent to such initial determination, benefits with respect to any week for which a claim has been filed are denied for reasons other than matters included in the initial determination, the claimant shall be promptly notified of the denial and the reasons therefor, and may appeal therefrom in accordance with the procedure herein described for appeals from initial determinations.

(c) To hear and decide appealed claims, the Director shall appoint 1 or more appeal tribunals to hold hearings in accordance with regulations prescribed by the Director at which all parties shall be given opportunity to present evidence and to be heard. In the conduct of such hearings, the parties shall not be bound by common law or statutory rules of evidence or other technical rules of procedure, but the appeal tribunal shall use due diligence to ascertain the true facts of the case.

(d) Each appeal tribunal shall consist of either an examiner regularly employed by the Director on a salaried basis or a body composed of an examiner who shall act as chairman, and, without regard to the civil service laws otherwise applicable, of 1 representative of employees and 1 representative of employers, each designated by the Director. No representative shall be regularly employed by the Director, nor shall any person acting in any case on behalf of the Director have any interest, direct or indirect, in the case. In no case shall the hearings proceed unless the examiner designated as a member of an appeal tribunal is present; and if either or both of such representatives fail to appear for any such hearings or are disqualified from participating in any such hearings, the examiner shall proceed to hear the case; provided, that the Director may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. Each such representative shall be paid for each day on which he actively engaged or was present and prepared to engage in the conduct of any such hearings, such sums, not in excess of $10, as the Director shall by regulation prescribe.

(e) An appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm or modify the finding of facts and the initial determination. The parties shall be duly notified of the decision of such appeal tribunal, together with the reasons therefor. The Director, under regulations prescribed by the Director, may permit further appeal by any party or may, upon the Director's own motion, affirm, reverse, or modify the decision of the appeal tribunal or may set it aside and order a rehearing or the taking of additional evidence before the same or a different appeal tribunal. Unless a petition for such appeal is filed within 10 days of mailing of the decision of an appeal tribunal, or within such 10-day period the Director has taken action on the Director's own motion in accordance with the provisions of this subsection, the decision of the appeal tribunal shall constitute the decision of the Director and shall be effective as such. Any decision of an appeal tribunal which is not so modified or so appealed within such 10-day period is final for all purposes, except as provided in § 51-112, and is not subject to review by the Office of the Inspector General. All decisions rendered by the Director affirming, reversing, or modifying any decision of an appeal tribunal shall become effective immediately, unless the Director shall otherwise order, and are not subject to review by the Office of the Inspector General.

(f) A full and complete record shall be kept of all proceedings in connection with an appealed claim. All testimony at every hearing on any such claim shall be taken down by a stenographer or recording device, but shall not be transcribed except upon order of the Director or in the event of an appeal pursuant to § 51-112. Upon any such appeal, a copy of all the testimony and of the findings of fact upon which the Director's decision was based shall be filed with the court, and the facts so found shall, if supported by evidence, be binding on the court.

(g) Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the Director. Such fees shall be deemed part of the expense of administering this subchapter.

(h) The Director shall establish and administer a Claimant-Employer Advocacy Fund, funded with monies collected as interest and penalty payments from employers due to their late filing of wage reports, late payment of employer contributions, and late payment of payments in lieu of contributions. The Fund shall be used exclusively to support the provision of assistance to and legal representation for claimants and employers involved in administrative appeals of claim determinations made by the Director. The Fund shall support the provision of such assistance and representation for claimants at the Metropolitan Washington Council, AFL-CIO and shall support the provision of such assistance and representation for employers at the D.C. Chamber of Commerce and at the Greater Washington Board of Trade. The total amount of funds which the Director provides from this Fund to the Metropolitan Washington Council, AFL-CIO, shall be twice the combined amount provided to the D.C. Chamber of Commerce and the Greater Washington Board of Trade.

(i) Testimony in hearings arising under this subchapter may be given and received by telephone.

(j) Any finding of fact or law, determination, judgment, conclusion, or final order made by a claims examiner, hearing officer, appeals examiner, the Director, or any other person having the power to make findings of fact or law in connection with any action or proceeding under this subchapter, shall not be conclusive or binding in any separate or subsequent action or proceeding between an individual and his present or prior employer brought before an arbitrator, court, or judge of the District of Columbia or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts.

(k)(1) Notwithstanding any other provision of this subchapter, all correspondence, notices, determinations, or decisions required for the administration of this subchapter may be transmitted to claimants, employers, or necessary parties by electronic mail or other means of communication as the claimant, employer, or necessary party may select from the alternative methods of communication approved by the Director. The Director shall issue a list of such approved methods of communication within 45 days of September 20, 2012.

(2) Notwithstanding any other provision of this subchapter, all correspondence, notices, determinations, or decisions issued by the Director may be signed by an electronic signature that complies with the requirements of § 28-4917 and Mayor's Order 2009-118, issued June 25, 2009.

(Aug. 28, 1935, 49 Stat. 951, ch. 794, § 12; renumbered § 11, June 4, 1943, 57 Stat. 116, ch. 117, § 1; Dec. 22, 1971, 85 Stat. 771, Pub. L. 92-211, § 2(40); Mar. 13, 1985, D.C. Law 5-124, § 2(g), 31 DCR 5165; Sept. 24, 1993, D.C. Law 10-15, §§ 107, 209, 40 DCR 5420; July 23, 2010, D.C. Law 18-192, § 2(c), 57 DCR 4500; Sept. 20, 2012, D.C. Law 19-168, § 2012, 59 DCR 8025.)

Section references. — This section is referenced in § 47-4431, § 51-101, § 51-103, and § 51-119.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (k).

Legislative history of Law 19-168. — See note to § 51-103.